This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

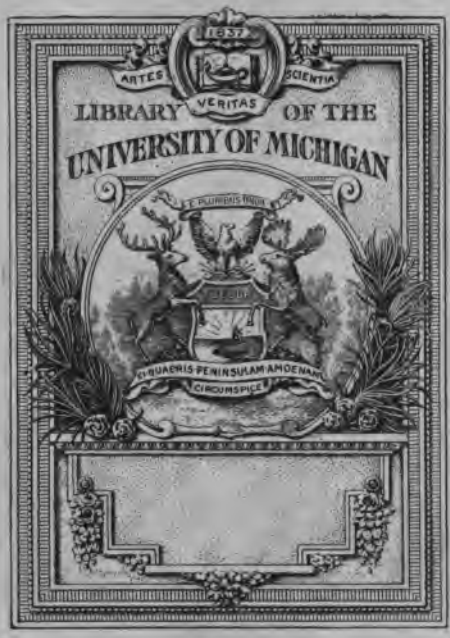
+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

DA
957
D55

A 985,077


1837
ARTES
VERITAS
SCIENTIA
LIBRARY OF THE
UNIVERSITY OF MICHIGAN
E PLURIBUS UNUM
TUEBOR
SI QUAERIS PENINSULAM AMOENAM
CIRCUMSPICE

DA
957
.D55

WHY ENGLAND MAINTAINS THE UNION.

A POPULAR RENDERING OF
"ENGLAND'S CASE AGAINST HOME RULE."

By A. V. DICEY,
VINERIAN PROFESSOR OF ENGLISH LAW IN THE UNIVERSITY OF OXFORD.

Prepared by C. E. S.

LONDON:
JOHN MURRAY, ALBEMARLE STREET.
1887.

Now ready, Third Edition, Crown 8vo. 7*s.* 6*d.*

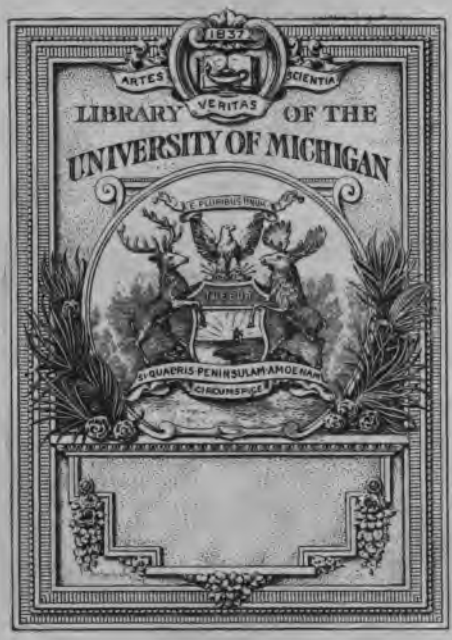
ENGLAND'S CASE AGAINST HOME RULE.
By A. V. DICEY, B.C.L., of the Inner Temple, Fellow of All Souls, and Vinerian Professor of English Law at Oxford.

PREFACE.

A WISH has been expressed that the case of England against Home Rule should be presented in a cheap and popular form, and thus be brought to the knowledge of readers who may have neither time nor inclination to follow out into its details the whole of a lengthy and (at times) technical line of argument. The great kindness of a friend has made it possible for me to meet this desire. This book is a rendering rather than an abridgment of the work of which it contains the substance. It reproduces the leading ideas of my argument against Home Rule. It, however, curtails many subsidiary considerations and omits much reasoning of a purely legal character. Any reader, therefore, who wishes to study in detail the objections, which from a lawyer's point of view can be brought against Mr. Gladstone's policy generally, and particularly against the Gladstonian constitution, must still seek for them in the original work.

A. V. DICEY.

ALL SOULS' COLLEGE, OXFORD.
April, 1887.


1837
ARTES
VERITAS
SCIENTIA
LIBRARY OF THE
UNIVERSITY OF MICHIGAN
E PLURIBUS UNUM
TUEBOR
SI QUAERIS PENINSULAM AMOENAM
CIRCUMSPICE

DA
957
.D55

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, LIMITED
STAMFORD STREET AND CHARING CROSS.

CONTENTS.

INTRODUCTION.

PAGE

1. Aim of the Work 1
2. To whom addressed 1
3. Possible Objections to Method 2
   (a) *Too abstract* 2
   (b) *Too much Reference to Interest* 4
   (c) *Too exclusively English* 5
4. Home Rule not a Plan for Ireland only, but a Revolution for Great Britain 6
5. Our only Choice between Separation and Union . 7

CHAPTER I.—MEANING OF HOME RULE.

6. Three essential Characteristics of Home Rule . 7
7. Not to be confounded with Local Self-Government, which is 8
   (a) *Good or Bad according to Circumstances* . 9
   (b) *Not necessarily applicable to both Countries* . 9
   (c) *Not what would satisfy the Irish People* . . 10
8. Home Rule is incompatible with National Independence 10

CHAPTER II.—ENGLISH ARGUMENTS IN FAVOUR OF HOME RULE.

9. Strength of Home Rule Movement lies in Democratic Sentiment 11
10. Feeling must be justifiable by Reason . . 12
11. Arguments of Home Rulers 12

ARGUMENT I.—FOREIGN EXPERIENCE.

PAGE
12. PRINCIPAL INSTANCES 12
13. INAPPLICABLE FROM DIFFERENCE OF CIRCUMSTANCES . 13

ARGUMENT II.—FROM WILL OF IRISH PEOPLE.

14. TWO RATIONAL CONVICTIONS UNDERLYING IT . . 15
(a) *Claim of Ireland to be a Nation* . . . 15
(b) *Claim that Law should not oppose National Conscience* 15
15. THIS ARGUMENT REALLY AN APPEAL TO HISTORY . 15

ARGUMENT III.—FROM IRISH HISTORY.

16. CONTINUOUS RECORD OF FAILURE AND MISERY . . 16
17. HENCE IRISH DISAFFECTION TO LAW . . . 17
18. REAL LESSONS OF IRISH HISTORY 17
19. DIFFERENT LEVELS AND TENDENCIES OF ENGLAND AND IRELAND 18
20. FOUR RESULTING SOURCES OF TROUBLE . . . 19
(a) *Unsuitable Parliamentary Institutions* . . 19
(b) *Artificial Suppression of Revolution* . . 19
(c) *Religious Oppression* 20
(d) *Unjust System of Land Tenure* . . . 20
21. MERE SEVERITY POWERLESS TO ENFORCE LAW . . 20
22. TRUE ISSUE UPON WHICH OUR POLICY MUST DEPEND . 20
23. RESULT OF HISTORICAL ARGUMENT 21

ARGUMENT IV.—FROM THE VIRTUES OF SELF-GOVERNMENT.

24. WHICH WOULD NOT BE CALLED OUT BY HOME RULE . 22

ARGUMENT V.—FROM THE NECESSITY OF COERCION ACTS.

25. TWO REAL GROUNDS OF OBJECTION TO THEM . . 23
(a) *As being at variance with Moral Sentiment* . 23
(b) *As being Dangerous to Liberty* . . . 24
26. HOW THESE OBJECTIONS SHOULD BE MET . . . 24
27. PERMANENT AND GENERAL COERCION ACTS WOULD IMPROVE OUR CRIMINAL LAW 26

ARGUMENT VI.—FROM INCONVENIENCE TO ENGLAND.

PAGE
28. LESSON FROM OBSTRUCTION 27
29. THESE ARGUMENTS REALLY TELL IN FAVOUR OF SEPARATION RATHER THAN OF HOME RULE . . . 28

CHAPTER III.—HOME RULE: ITS FORMS.

30. CONDITIONS BY WHICH WE MUST TEST EACH PLAN . 28

(A) FEDERALISM.

31. ADVANTAGES TO ENGLAND 30
32. THREE DEFINITE EVILS TO GREAT BRITAIN . . 31
(a) *Would dislocate Constitution* . . . 31
(b) *Would weaken Central Government* . . 32
(c) *Would not reconcile Ireland* . . . 33
33. WOULD CAUSE BITTER DISAPPOINTMENT . . . 34
34. WOULD PRODUCE DEMAND FOR BREAK-UP OF EMPIRE . 35

(B) COLONIAL INDEPENDENCE.

35. VICTORIAN INDEPENDENCE 36
36. VICTORIAN SUBORDINATION 37
37. BRITISH SUPREMACY CHEERFULLY ACCEPTED . . 37
38. OBJECTIONS TO THIS PLAN FOR IRELAND . . . 38
39. COLONIAL INDEPENDENCE WOULD NOT SATISFY IRELAND 39
40. IT IS THE LEAST OBJECTIONABLE FORM OF HOME RULE 40
41. BUT REQUIRES EXEMPTION FROM TAXATION . . 41

(C) GLADSTONIAN CONSTITUTION.

42. OUTLINE OF PROPOSED CONSTITUTION . . . 42
43. HOW FAR DOES IT FULFIL ESSENTIAL CONDITIONS? . 43
(a) *Supremacy of Parliament* 44
(b) *Justice* 44
(c) *Finality* 45
44. IT WOULD DISAPPOINT BOTH COUNTRIES . . . 46
45. IT WOULD PRODUCE CAUSES OF DISPUTE . . . 47
46. IT COULD NOT WORK 47

CHAPTER IV.—SEPARATION.

PAGE
47. THREE MAIN EVILS 48
(a) *Discreditable Surrender* 48
(b) *Loss of Men and Money* 49
(c) *Possible hostile Neighbour* 49
48. POSSIBLE COMPENSATIONS 50
(a) INCREASE OF POWER OF ENGLAND . . 50
(b) MIGHT BRING ABOUT FRIENDLINESS . . 51

CHAPTER V.—MAINTENANCE OF THE UNION.

49. FAILURES OF ACT OF UNION 52
50. DANGER OF REPEATING MISTAKES MADE BY ITS AUTHORS 52
51. INCONVENIENCES OF UNION 53
(a) *Hampers English Policy* 53
(b) *Requires tedious Parliamentary Struggle* . 53
(c) *And arduous Efforts to Govern justly* . . 53
52. ACT OF UNION NOT ALTOGETHER FRUITLESS . . 54
53. REASONS FOR MAINTAINING THE UNION . . . 54
(a) *It "holds the Field"* 54
(b) *Strengthens the Empire* 55
(c) *Enables us to carry out just Reforms* . . 56
54. IT IS DEMANDED BOTH BY DUTY AND INTEREST . . 57
55. FAILURE WOULD POINT TO SEPARATION . . . 58

CONCLUSION.

56. DILEMMA 59
57. CHOICE OF EVILS 59
58. THREE ARDUOUS PATHS 60
(a) *Home Rule* 60
(b) *Separation* 61
(c) *Union* 61
59. DUTY REQUIRES MAINTENANCE OF UNION . . . 62
60. IN CASE OF FAILURE THE ALTERNATIVE IS SEPARATION 63
61. ENGLAND'S SOUND POLICY 63
62. GROUNDS ON WHICH OUR CASE RESTS . . . 63
63. PRINCIPLES TO WHICH WE APPEAL 63

WHY ENGLAND MAINTAINS THE UNION.

INTRODUCTION.

1. Aim of the Work.

The aim of this book is to consider from a purely English point of view the policy of Home Rule, and to show that any system of Home Rule, whatever its form, would be at least as much opposed to the vital interests of England as would be the national independence of Ireland. I propose with this object to consider, (1) the real meaning of Home Rule; (2) the principal English arguments in favour of that policy; (3) the three possible types of it which are seriously proposed for our adoption in Ireland; (4) the certain evils and the possible counter-balancing advantages of Separation; (5) the difficulties and the duty of maintaining the Union.

My endeavour will be to make this survey without any appeal to prejudice, passion, or sentiment, and with the calmness which a scientific constitutionalist should display in weighing the merits of any other proposed alteration in our form of government.

2. To whom Addressed.

There is, indeed, one class of those who advocate Home Rule to whose purpose this method of handling the question is irrelevant.

Nationalists who believe that the salvation of Ireland depends upon her taking her place among independent States may with perfect fairness accept Home Rule simply as a step towards the independence of their country, on the maxim that half a loaf is better than no bread. This position is one of which no man has any cause to feel ashamed. Considering the misery that has marked

the connection between England and Ireland, Nationalists may not unnaturally think that the happiest thing for the weaker country would be complete separation. That opinion is in my own judgment, as in that of most Englishmen, and it may be added in that of the wisest foreign observers, erroneous; but fairness requires the admission that it is an opinion which a man may hold and act upon without incurring the charge either of folly or of wickedness.

To Nationalists, however, these pages are not addressed. They are intended for Home Rulers who really regard the policy of Home Rule as wise and good in itself and for its own sake; or else for Unionists who, while firmly believing that the whole State will suffer by any attempt to tear up the Treaty of Union, are yet unable to give for the faith that is in them as strong grounds of reason as they would desire.

English advocates of Home Rule, perceiving that the English people will not consent to Irish independence except under compulsion, appear to regard Home Rule as a reasonable compromise between the just claims of Englishmen to secure the prosperity of Great Britain and the greatness of the British Empire on the one hand, and on the other the legitimate desire of Irishmen for national independence. If, however, it be true, as I shall endeavour to show, that Home Rule is more dangerous to England than Irish independence, then the hope of advantage from any such compromise falls to the ground.

3. Possible Objections to Method.

Three objections may be made to the manner in which I propose to deal with this subject.

(*a*) *Too Abstract.*

I. The first of these objections is, that the abstract and logical manner here adopted of considering the problem is better fitted for a university class-room than for the living world of contemporary politics. This method has, however, its own special advantages. It is, in the first place, very desirable to turn away our minds from the crowd of personal, temporary, and trivial questions which have at bottom no real bearing on the points at issue. The conduct or character of individual legislators, which occupy so large a space in the discussions of the day, do not affect the merits or demerits of their enactments. An unwise measure will not become a bene-

ficial law because its author is a saint or a patriot. A statesmanlike law will not turn out a curse to the country because it is defended by an intriguer or a traitor. We can all see that this is so if we look back to the controversies of the last generation. The personalities of fifty or sixty years ago are reduced before our eyes to their real pettiness. There is no small advantage in judging the policy of 1887 in the spirit and by the standards which every man of sense applies to the policy of 1832.

In the second place, the effect of fixing the attention almost exclusively upon the probable effects of Home Rule is to avoid the errors which arise from mixing with a dispute, bitter enough in itself, the poisonous venom of historical recrimination, and the delusions arising out of the habit of personifying nations. The calamities, the mistakes, and the crimes which marked each scene in the tragedy of Irish history afford to both sides inexhaustible matter of mutual reproach. But to evoke the spectres of past ages is not the way to assuage our present enmities; and no investigation into the comparative blackness of the crimes of by-gone generations can remove the difficulties of practical statesmanship. The discussion of such subjects as, for instance, the barbarities of insurgent Catholics and the retaliatory severity of Protestant victors two centuries ago, can but add a new element of confusion to the turmoil of political warfare. It can throw but little light on the practical question, whether it be expedient at the present day that the local affairs of Ulster should be dealt with by a Parliament sitting at Dublin, or whether members from Ireland should have seats at Westminster. Recrimination adds nothing to knowledge, and disturbs the judgment of statesmen and electors.

But not even the reckless revival of bitter memories which ought to be forgotten adds so much to the confusion of the day as does the habit of thinking and speaking of England and Ireland as though they were two human beings, who, on closing a life-long quarrel, might be expected to entertain towards one another such feelings of regret, generosity, or gratitude, as might belong to men and women, but can only by the boldest of fictions be attributed to classes or nations. It is this delusion of personification which causes the idea that we should feel personal shame, and consider ourselves liable to make or entitled to demand reparation, on account of crimes committed by the ancestors, perhaps, of the very men to whom that reparation is supposed to be due. It is also the

source of such absurd demands as that the Irish Catholics should put on sackcloth and ashes for the massacres of 1641; or that living Irishmen should be grateful for the well-meant, though most unsuccessful, efforts made by the Parliament of the United Kingdom to govern one-third of that kingdom on sound principles of justice. No one expects that Englishmen or Scotchmen should feel gratitude for a similar cause, and it would puzzle the wit of man to say why one-third of the United Kingdom should be expected to entertain feelings never demanded from the other two-thirds of it.

(*b*) *Too much reference to Interest.*

II. The second objection which may be made by a careless reader to the form in which the English case against Home Rule is here stated is, that the habitual reference made throughout these pages to national interest as the test or standard of national policy has a touch of sordidness and selfishness, and implies that statesmanship has nothing to do with morality. Nothing can be really more unfounded than this objection, which arises from the misunderstanding of the term "interest," when applied to matters of national policy. The interest or the welfare of a nation comprises many things which have nothing to do with trade or with wealth, and the value of which does not admit of being measured in money. The interest, welfare, or prosperity of England includes the maintenance of her honour, the performance of her obligations, and, above all, the strict performance of every engagement which she has undertaken towards countries or individuals. The protection, for example, of law-abiding citizens in the enjoyment of rights secured to them by law; the maintenance of peace throughout the length and breadth of the Empire; the suppression of lawlessness; the strict performance of every promise which the State has made to every man or body of men, whether poor or rich, whether belonging to the class of labourers, of farmers, or of landlords — the rendering, in short, to every man of his due—are things which fall under the head of national interests. On any wide view of large public questions, expediency will be found to be only another name for justice. It can be neither the interest nor the duty of any nation to legislate in a way which produces more of suffering than of happiness. A policy opposed to the interests or the welfare of the United Kingdom as a whole, even though it may appear for a moment to favour some particular portion of the

State, is, we may be well assured, a policy opposed not only to wisdom, but to justice.

(c) *Too exclusively English.*

III. The third objection which may be made to the plan of this work is, that to look at Home Rule mainly from an English point of view, and to criticise it as bearing upon the interests or welfare of England, is to approach the matter from the wrong side, and to betray an indifference to the welfare of Ireland. Home Rule, it may be said, is a scheme of government for Ireland, which concerns the people of Ireland alone, and which should be treated from an Irish, not from an English, point of view; and to consider it in any other light is to exhibit in a new form that callous disregard by England of Ireland's claims, which has prevented the two countries from blending into one community.

This objection presents my whole method of reasoning in a false light. A main reason why an Englishman does well to look at Home Rule from an English point of view is, that this mode of dealing with the questions between the two countries is, strange as the assertion may sound, in itself both the least irritating and the fairest.

Experience of the world tells every man that in the complicated affairs of private life, involving questions, say, both of money and of sentiment, nothing so surely prevents quarrels as to separate in the clearest manner possible matters of business from matters of feeling. In settling a dispute between A. and B. a great step is gained when each of the parties has stated clearly his exact legal rights, and his exact pecuniary interest; not till this has been done, does it become possible to consider with advantage what may fairly be expected from him as a matter, not of right, but of liberality. Again, if A. intends to exact his full legal rights from B., nothing can be a more irritating defence of his conduct than to say that he is acting solely with a view to B.'s own good; and no manner of claiming his rights causes so little unnecessary vexation as to say openly that he demands them because they *are* his rights, and because to demand them is his interest.

Here, if nowhere else, the rules which apply to private disputes apply also to public controversies. If millions of Englishmen refuse a request made by millions of Irishmen, by far the least irritating form of refusal would be open avowal that the reason for denying a separate Parliament to Ireland is our belief that Home

Rule would work irreparable injury both to Great Britain and to the British Empire. This assertion has the merit, which even in politics is not small, of truth. If the parliamentary independence of Ireland threatened no damage to England, it would be granted before the end of the year. It is true that Englishmen do not believe that it would in the long run be a blessing to Ireland herself; but it is the certain injury to England, not the doubtfulness of the advantage to Ireland, which really makes Englishmen oppose Home Rule. For us to oppose it on the ground that it was inexpedient for Ireland would be to assume that we are better judges of what makes for the true interest of Ireland, than are the majority of Irishmen;—an assumption which must seem very doubtful to any one who recalls the most obvious facts of Irish history, or the depths of ignorance as to all things Irish prevailing even in our educated classes. What cannot be doubted is, that the assertion that three millions of Irishmen do not understand what is good for themselves must arouse in their hearts deep and natural anger.

If indeed the claim of Great Britain to look in this matter of Home Rule solely to its effect on British interests meant that because England is strong she ought, where her own interests are at stake, to reck nothing of justice, it would show a cynical scorn for all considerations except the possession of superior power, and would kindle just resentment in the soul of every man, whether in England or in Ireland, who believes national morality to be more than a mere phrase. Even in this case open cynicism might excite less disgust than cynicism veiling itself under the mask of benevolence; but there is happily in the present instance no opposition between truth and justice.

4. Home Rule not a Plan for Ireland only, but Revolution for Great Britain.

Home Rule is, no doubt, primarily a scheme for the government of Ireland; but it is also much more than this—it is a plan for revolutionising the constitution of the whole United Kingdom. There is no unfairness, therefore, in insisting that the proposed change must not take place if it be adverse to the interests of Great Britain. This is merely to say that the welfare of thirty millions of citizens must, if a conflict of interests arise, be preferred to the interests of five millions of citizens. Home Rulers, it must

again and again be repeated, demand, not the national independence of Ireland, but the maintenance of the connection between England and Ireland on other terms than those contained in the Act of Union. A Home Ruler asks, not for the political separation, but for the political partnership of England and Ireland. He wishes, not that the firm should be dissolved, but that the articles of association should be revised. There is therefore not the least unfairness in the answer that no change can be allowed which, in the judgment of his associates, is fatal to the prosperity of the concern.

This is a prosaic way of putting the matter. But at moments of revolutionary excitement, when men measure proposed policies rather by their wishes than by their experience, it is well to bring into relief the business aspect of reforms, and to be reminded that government and legislation are matters of reason and judgment, not of inclination.

5. Our only Choice between Separation and Union.

Nor let any one imagine that the belief, repeatedly avowed in these pages, that Home Rule would be as great an evil to England as Irish Independence, shows a reckless and unbusinesslike indifference to the perils and losses of Separation. My conviction is unalterable that Separation would be to England as well as to Ireland a gigantic evil. This is not to deny that there are other evils as great or greater. If a man says that he prefers the loss of his right hand to the loss of his life, it does not follow that he makes light of amputation. My aim is to prove that our choice lies between the Maintenance of the Union and Separation.*

CHAPTER I.

MEANING OF HOME RULE.

6. Three Essential Characteristics of Home Rule.

The policy of Home Rule means the creation in Ireland of representative institutions and responsible government. Every scheme which merits the name of Home Rule must include (1) the creation

* 'England's Case against Home Rule,' pp. 1–19, 34–46.

of an Irish Parliament; (2) the right of the Irish Parliament to legislate within its own sphere, with habitual freedom from the control of the Imperial or British Parliament; and (3) the habitual responsibility of the Irish executive for its acts to the Irish people or their representatives.

In these three characteristics lies the essence of Home Rule. Without an Irish Parliament, the Irish sentiment of nationality could not possibly be satisfied. A Parliament not habitually independent of the British Parliament could not divest the law in Ireland of its "foreign garb." An executive not responsible to the Irish people could neither carry out the law effectually nor win the confidence of the people.

Two quite different things are often confounded with Home Rule, namely: Local Self-government, and National Independence.

7. Not to be Confounded with Local Self-Government.

Local Self-government means the delegation by Parliament to local bodies (such, for instance, as town councils, county boards, or vestries) of strictly subordinate powers;—of the power, that is, to make bye-laws for definite localities. Such a body, for instance a town council, however largely its powers might be increased, must always differ essentially from any body which could possibly be considered as representing the Irish people. A town council, whether of Birmingham or of Belfast, springs from, and is kept alive by, the will of Parliament, which would without scruple overrule its acts, should they appear to it to be contrary to the public welfare. Extended rights of self-government might be given to every local body in Ireland without altering the relation between the Irish people and the British Parliament. But to alter that relation is the very aim of Home Rule. An Irish Parliament, however weak, would necessarily be in some degree a check upon the legislation of the British Parliament. The matter may be summed up in one phrase. Local Self-government means the delegation—Home Rule, however curtailed, means the surrender—of parliamentary authority.

Many English Radicals desire to extend the sphere of Local Self-government both in England and Ireland; and this upon three grounds. They think (1) that Local Self-government is in itself a benefit; (2) that Ireland ought, as of right, to have the same institutions as England; (3) that Local or Municipal Self-government

will satisfy the real wish of the Irish people. The first of these grounds is probably unsound; the other two are certainly so.

(a) Which is Good or Bad according to Circumstances.

In the first place, Local Self-government, like most political institutions, is a good thing or a bad thing according to circumstances. It is probably a good thing in Birmingham; it was some fifty years ago a good thing in Massachusetts; it may perhaps prove a good thing in an English county. It is not admirable at New York; it works less well than it once did in New England; it does not produce very good effects in London parishes; it is not at all suited for modern France. It is true that where self-government flourishes, society is in a sound state. It is not true that self-government produces a sound state of society. The first condition for its success is harmony between different classes. The rich must be the guides of the poor; the poor must put trust in the rich. High public spirit, a hatred of jobbery, trust and goodwill between rich and poor, are the feelings which make good Local or Municipal Government possible. Do these rare and admirable conditions exist in Ireland? It is but too clear that they do not. If they did, our difficulties would be at an end. Had a genuine desire for self-government been expressed by the Irish themselves, good sense would require that the experiment should at once be tried. But no such wish has in fact been put forward by the Irish people.

(b) Not necessarily Applicable to both Countries.

Secondly, the notion that every part of the United Kingdom ought to have the same institutions arises very much from forgetting that the right of each portion of the people to make its wishes heard is not the same thing as the right to have them granted. All parts of the country must be governed as the whole of the State deems best; but while every part should be allowed a voice to make known its wants, it does not follow that every part should have the institutions it prefers; still less, that all parts should have the same institutions. No one thinks it necessary that English laws should apply to Scotland, or Scotch laws to England. English tenants might in many cases think the provisions of the Irish Land Act a boon, but that is no sufficient reason for applying them to England. Our true watchwords should be, not "equality, similarity, and simultaneity," but "unity of

government, equality of political rights, diversity of institutions." Unless we keep this in mind we shall commit a double fault. We shall not really deal with Ireland as with England, for to deal in the same manner with societies in different conditions is in truth to treat them differently; and, what is more important, we shall not thus succeed in removing those peculiar evils which are the result of Ireland's peculiar and disastrous history.

(c) *Not what would satisfy Irish people.*

Thirdly. Local Self-government could not satisfy the Irish people. It may be an excellent thing in its way, but it is not the thing the Irish wish for. English reformers favour Local Self-government because it would not check the authority of the British Parliament; Home Rulers desire Home Rule precisely because it must check Imperial legislation.*

8. And is Incompatible with National Independence.

The other quite distinct idea, which is often confounded with that of Home Rule, is that of National Independence. A very little reflection will show that these two things are not only different, but are actually incompatible with each other. Any plan of Home Rule whatever implies that there are matters in which Ireland is not to act with the freedom of a separate nation. Under the Gladstonian constitution, for example, Ireland would have no voice in foreign affairs, and no power to raise an army or endow a church; she would in fact, surrender any claim to the rights of a nation in consideration of receiving a certain number of State-rights. There is nothing unreasonable or unfair in this claim for new terms of partnership; but it is of course quite inconsistent with a claim for a dissolution of partnership, or, in other words, for National Independence. The advocates of Home Rule (naturally enough) confuse the matter by dwelling on different aspects of it at different times. When they wish to show how small would be the sacrifice to England, they represent Home Rule as little more than a form of Local Self-Government. When they wish to insist on the blessings it would bring to Ireland, they all but describe it as Independence. Yet it is idle to expect from State-rights the kind of new life and spirit which is sometimes roused among a people by the responsibility of a separate nationality.

* 'England's Case,' pp. 20–33.

CHAPTER II.

ENGLISH ARGUMENTS IN FAVOUR OF HOME RULE.

9. Strength of Home Rule Movement lies in Democratic Sentiment.

For the first time in the course of English history, national policy has passed under the sway, not so much of democratic convictions, as of a far stronger power—democratic sentiment. The condition of public sentiment which has allowed the Home Rule movement to wax so rapidly strong is peculiar, but may perhaps not prove to be transitory. Every idea which can rightly or wrongly be called popular commands just now ready assent. Amongst such ideas are some of the best characteristics of the age—such as the detestation of inhumanity; the distrust in violent methods of government; the dislike to anything which savours of indifference to the wishes or callousness to the wants of the people; the conviction that property has at least as many duties as rights; and the faith, inspired rather by compassion than by reason, that the toiling multitudes can and must be made to share in the prosperity and the luxuries created in great part by their ceaseless labour. But these feelings are mixed with many others of a more doubtful, not to say of an ignoble, kind; such as that the voice of the majority is the voice of God; that it is a folly, if not a crime, to resist any widespread phase of belief or of passion; or that any body of persons claiming to be united by a sense of nationality possesses an inherent and divine right to be treated as an independent community. Many of these notions are radically inconsistent with one another. Popular sympathies, moreover, blend in the minds of modern Englishmen with feelings of a much less generous and a much less respectable order. Dislike of trouble; hatred to the performance of arduous public duties; a growing indifference to ordinary common-place ideas of law and justice; contempt for the legal rights of individuals whenever these rights clash for a moment with the ease or interest of the public;—these and other feelings springing at once from the best and from the lowest parts of human nature, blend in a current of democratic sentiment which predisposes large bodies of Englishmen towards acquiescence in the Home Rule movement.

10. Feeling must be Justifiable by Reason.

To say that the Home Rule movement in England derives its force from the condition of public feeling is not to show that the policy of Home Rule is unwise, still less that it is unlikely to be adopted by the nation. Masses of human beings must generally, and individuals must often, trust to the guidance of feeling. The difference between the sentiment which ought, and the sentiment which ought not, to determine national conduct is that the one can, and the other cannot, be justified upon grounds of reason and experience.

11. Arguments of Home Rulers.

From this law of human nature Home Rulers have, it must fairly be said, no wish to escape. Their influence is due to the condition of public sentiment; but they justify their policy by arguments, the most important of which we will proceed to examine under the six following heads:—The argument from foreign experience; the argument from the will of the Irish people; the argument from the lessons of Irish history; the argument from the virtues of self-government; the argument from the necessity for Coercion Acts; the argument from the inconvenience to England of refusing Home Rule to Ireland.

I.—FROM FOREIGN EXPERIENCE.

Something more or less like Home Rule has been tried in a good many foreign countries, and it is supposed by many to have been successful in cementing union in spite of opposing tendencies. It is, therefore, supposed to be well calculated to solve the Irish problem. The principal instances quoted are the American Union, the Swiss Confederacy, our own Colonies, the German Empire, and the Dual system of Austria and Hungary. The proposals that we should adopt Federal institutions, like those of America or Switzerland, or place Ireland in the position of a Colony, such as, for instance, Canada or Victoria, will be considered presently, in the chapter on the Forms of Home Rule. It will be enough at the present moment to point out the reasons which forbid us to apply the examples of the German Empire, and the Austro-Hungarian system to our own case.

12. Principal Instances.

The most prominent fact in German history is, that until quite lately, the many and various German States had never been poli-

tically one nation. It is the popular passion for unity which has compelled the formation of a united German Empire. This force is continually on the increase. Bismarck tolerates the existence of Parliaments, but not of parliamentary government. German Liberals submit to the evils of personal rule because they feel it to be necessary to the unity of the Empire.

The United Kingdom, on the other hand, has been united for nearly a century; and for almost two centuries has, in fact, been subject to one sovereign Parliament. We are advised to dissolve the United Kingdom into a Confederacy, because Germany through a clumsy form of Confederacy is growing into a United Empire. What is a sign of growth in the one case would be a sign of decay in the other. We might as well regard the childishness of old age with the hopes belonging to early childhood.

The Austro-Hungarian Dual system is rather a permanent alliance than a union between Austria and Hungary. At its head is the Emperor-King. He is in both countries a true ruler; in Austria an almost despotic one. The Emperor-King rules with the help of what may be roughly called three Parliaments. (1) The Hungarian Diet, to which the Hungarian ministers, appointed by the monarch as King of Hungary, are responsible. (2) The Imperial Parliament, or Reichs-Rath, to which the Imperial ministry is nominally responsible—though in fact the Austrian Premier chiefly depends for his authority upon the will of the Emperor. (3) The so-called Delegations. These are two committees of sixty members each, elected by and from the members of the Hungarian Diet and the Imperial Parliament, and, when once elected, exercising with the Emperor supreme authority with regard to common finance, common military matters, and foreign affairs. These two committees in general debate separately, sitting alternately at Vienna and at Pesth; they may, however, have a common meeting, in which case the number of deputies present on each side must be equal. The majority in such a meeting finally settles any disputed question.

13. Inapplicable from Difference of Circumstances.

It is obvious that this system could not be precisely copied in any possible constitutional arrangements between England and Ireland. The whole circumstances of Austria and Hungary differ so widely from those of England and Ireland, that we can scarcely

consider their political system as adapted to afford any light upon our present difficulty.

On the whole, continental experience tends to show that Federalism is a stage towards, not a stage away from, national unity; and that it requires for success the existence of a strong central authority. The whole tendency of modern civilisation flows towards the creation of great States. National Unity is the watchword of the age. This is scarcely a reason for breaking up the United Kingdom.

II.—FROM THE WILL OF THE IRISH PEOPLE.

Eighty-six representatives of the Irish people represent the wish of Ireland for Home Rule. It is said that we cannot, under a parliamentary system of government, go behind the result of an election; that Ireland must therefore be considered as wishing for Home Rule; and that, "since popular government means government in accordance with the wishes of the people, the Irish wish for an Irish Parliament must be considered as decisive."

A good deal ~~might be said as to the question~~ how far the present Irish members do actually represent the wish of the Irish people. But we will assume that they do so.

We might meet this argument by saying—"Since popular government means government in accordance with the will of the majority, the wish to maintain the Union expressed by the vast majority of the United Kingdom (including, by the way, a million or more of the inhabitants of Ireland) must be considered as decisive."

But a question involving the welfare of millions cannot wisely be treated as a mere logical dispute. The importance of the contradiction between these two statements is, that it forces us to observe that whether it be or be not true that the will of the majority should be sovereign, that principle cannot be appealed to for the settlement of a dispute between two bodies, turning entirely upon the question which of them is the body, the majority of which has a right to sovereignty. The majority of the citizens of the United States were opposed to secession; the majority of the citizens of the Southern States were in favour of secession. To try to settle their dispute by appealing to the sovereignty of the majority was to beg the very question at issue—the question, namely, which of the two majorities was to be sovereign.

14. Two Rational Convictions underlying Claim.

It would, however, be unjust to the argument in question to dwell upon any such logical contradictions. Under the claim that the form of Constitution to be maintained in Ireland should be decided by the wish of the Irish people lie two rational convictions.

(*a*) *Claim of Ireland to be a Nation.*

The first is, that a body of human beings whose common country and common history have inspired them with a feeling of common nationality, have at least a strong claim to be governed as a separate nation.

This doctrine of nationality is not the same thing as the doctrine of the supremacy of the majority. It cannot be indiscriminately applied; and it was denied both in practice and in theory (and in the judgment of most English Liberals denied justly and righteously) by the Northern States of America when appealed to by the Southern States. For the purpose of the Home Rulers it proves too much. If the Irish people are a nation, this may give them a right to independence; but it can never give them a moral claim to dictate the particular terms of Union with England.

(*b*) *Claim that Law should not oppose National Conscience.*

The second conviction underlying the formula of the "sovereignty of the people" is that institutions derive their life, and laws their constraining power, not from the will of the lawgiver, or from the strength of the army, but from their correspondence with the permanent wishes and habits of the people. Home Rule means, it may be said, the application to Ireland of the very principle on which the English Constitution rests—that a people must be ruled in accordance with their own permanent ideas of right and of justice; and that unless this be done, law, because it commands no loyalty, ensures no obedience.

15. This Argument really an Appeal to History.

This argument, which derives its force from an appeal to historical experience, and especially to the miserable annals of the connection between the two islands which make up the United Kingdom, is, in effect, not an argument from the will of the people, but one form of the much more serious argument from the teaching of Irish history.

III. FROM IRISH HISTORY.

Appeals to the lessons of the past are too often but a mischievous stirring up of ancient passions. Yet there is no doubt that the history of Ireland affords both telling and lawful arguments on the side of the Home Rulers.

16. Continuous Record of Failure and Misery.

On one point alone, they may fairly say, all who have seriously studied the annals of Ireland are agreed. The history of the country is a record of incessant failure on the part of the Government, and of incessant misery on the part of the people. As to the guilt of the failure or the cause of the misery, men may and do differ; but of the facts there can be no doubt. Every scheme has been tried in turn, and no scheme has succeeded or has even produced its natural effects. Oppression of the Catholics has multiplied the adherents and strengthened the hold of Catholicism. Protestant supremacy, while it lasted, did not lead even to Protestant contentment; and the one successful act of resistance to English dominion was effected by a Protestant Parliament, supported by an army of Volunteers led by a body of Protestant officers. The independence gained by a Protestant Parliament led after eighteen years to a rebellion so reckless and savage that it caused, if it did not justify, the destruction of the Parliament and the carrying of the Union. The Act of Union did not lead to National Unity; and a measure which appeared (though it must be owned it only appeared) on the face of it to be a copy of the law which turned England and Scotland into a common country inspired by common patriotism, produced conspiracy and agitation, and has at last placed England and Ireland further apart morally than they stood at the beginning of the century. The Treaty of Union, it was supposed, missed its mark because it was not combined with Catholic Emancipation. The Catholics were emancipated, but emancipation, instead of producing loyalty, brought forth the cry for Repeal. The Repeal movement ended in failure, but its death gave birth to the attempted rebellion of 1848. Suppressed rebellion begat Fenianism, to be followed in its turn by the agitation for Home Rule. It is said, and truly said, that the movement relies upon constitutional methods for obtaining

redress; but constitutional methods are supplemented by boycotting, by obstruction, by the use of dynamite.

17. Hence Irish Disaffection to Law.

No doubt each of the failures in this long record of guilt and disaster, like all other calamities, whether in public or in private life, may be explained; but failure is not the less failure because it admits of explanation, and the failure of English statesmanship in Ireland has produced the one last and greatest evil which misgovernment can produce. It has created hostility to the law in the minds of the people. The law cannot work in Ireland, because the classes whose opinion in other countries supports the action of the Courts, are in Ireland, even when not themselves law-breakers, in full sympathy with law-breakers. The Home Ruler may admit that the errors of British policy have not arisen from ill-will to the Irish people. All the more strongly, he will say, do they prove that it is impossible for the Parliament of the United Kingdom to understand or to provide for Irish needs. The law, he urges, is hated in Ireland not because it is unjust, but because it is English. The reason, he says, why judges, soldiers, or policemen strive in vain to cope with lawlessness is that they are in fact trying to enforce not so much the rule of justice as the supremacy of England. The Austrian administration in Lombardy was never deemed to be bad; the Austrian rule was hated, not because the Austrians were bad rulers, but because they were foreigners. We are told upon high authority that the law in Ireland comes before the people in a "foreign garb." In Ireland, as in Lombardy, say the Home Rulers, permanent discontent is caused by the outraged sentiment of nationality. Miseries which flow historically from political causes are to be met, they say, by political changes. Give Ireland an independent Parliament, say the Home Rulers; let Ireland manage her own affairs, and England will be freed from a task which she ought never to have taken up, because she cannot perform it, while you will lay upon Ireland duties which she can perform, but which she has never yet been either allowed or compelled to take up.

18. Real Lessons of Irish History.

This argument undoubtedly contains a large amount of truth, and is supported by high authority. To meet it fairly we must

survey the broad phenomena of Irish history, and consider what are the inferences which they really warrant. We must dismiss from our minds the notion, naturally fostered by common modes of speech, that England and Ireland are two persons individually and permanently responsible for the crimes and follies of past ages. We must be on our guard against taking it for granted that when anything goes wrong in national affairs there is always some man or men upon whom the blame can be fixed, as a murderer may be held guilty of murder, or a robber of theft.

We should also remember that the most useful result of the study of history is to tone down those historical enmities whose bitterness is partly caused by forgetfulness of the fact that we cannot justly judge the conduct of actors in bygone scenes by a moral standard which was not theirs. The moral function of an historian is to lessen the hatreds which divide nation from nation and class from class, and which at the present moment are doing more to prevent real unity between the inhabitants of the two islands making up the United Kingdom than do unjust laws or vicious institutions.

19. Different Levels and Tendencies of England and Ireland.

The first fact which thrusts itself upon our attention is, that England and Ireland have from the first been standing on different levels of civilisation, and have moreover tended towards a different kind of development. Englishmen seldom understand how singular has been the growth of English institutions. They do not perceive that the gradual transformation of an aristocratic and feudal society into a modern industrial State, while retaining the forms and much of the spirit of feudalism, is a process which has hardly a parallel in any other European country, and which has owed its success in England to most peculiar circumstances. Ireland, on the other hand, in spite of the deviations from her natural course caused by her connection with a powerful nation, has tended to follow the lines of progress pursued by Continental countries, and notably by France. A Frenchman like De Beaumont can understand many things in Ireland which puzzle an Englishman; such, for example, as the passion of Irish peasants for the possession of land. To a foreign observer, what needs explanation is the social condition of England, rather than that of Ireland. He can see at a glance that

the radical and permanent cause of Irish misery has been the plantation in Ireland of an aristocracy and of aristocratic institutions (especially the Land Laws) foreign to the traditions and opposed to the interests of the mass of the people.

20. Four resulting Sources of Trouble.

From the disparity between the different levels and the opposite tendencies of civilisation in England and Ireland, have flowed four chief sources of our present troubles.

(*a*) *Unsuitable Parliamentary Institutions.*

First, the system of Parliamentary government, which to England has proved so beneficial, has been ill-adapted to the needs of Ireland, and this for two chief reasons. It has meant in England, government by parties, the result of which is, that Ireland at every turn has been sacrificed to party aims; and it has rendered efficient administration very difficult, a matter of more importance than is easily understood without some reference to Continental practices. Our English way of managing our local affairs is at any rate quite unsuited to a country harassed by religious and social feuds, and where the owners of the land are not, and cannot be, the trusted guides of the people.

In some respects the very virtues of Englishmen have hindered them from winning the good-will of the Irish. Our great gifts for government are combined (as we see elsewhere) with a singular incapacity for combining subject races into one State. This arises from our respect for privilege, or (what is the same thing) our indifference to equality—which, however, to most men seems a form of justice. France has shown a power, quite unknown to Englishmen, of attaching to herself, by affection, countries which she has annexed by force. The explanation is not far to seek. Every country annexed by France is governed (whether well or ill) on the same principles as the rest of the French dominions. Every French Assembly since the Revolution has included deputies from the Colonies. No Colony has ever sent a deputy to Westminster.

(*b*) *Artificial Suppression of Revolution.*

Secondly, the English connection has brought upon Ireland the evils belonging to the artificial suppression of revolutions. With

no fault on either side, this desperate cure for deep-seated disorders has been rendered impossible by the position occupied by Great Britain, and revolution has been suppressed at the price of permanent disorganisation.

(*c*) *Religious Oppression.*

Thirdly, the policy of religious oppression, natural and inevitable in its time, has produced more evil in Ireland than in any other European country. It was to each country a grievous misfortune that England should have been ripe for Protestantism when Ireland could hardly even understand it.

(*d*) *Unjust System of Land Tenure.*

Fourthly—and this is the main point to be noted—a system of land tenure was introduced into Ireland by James I., which, though intended as a beneficial reform, did in fact involve a disregard of undeniable though indefinite rights, and thus produced injustice, litigation, misery and discontent. The rulers of the country were influenced by ideas different from those of their subjects. Ignorance and want of sympathy worked all the results of cruelty and malignity. This failure of justice more than any other single cause, has produced the admitted disaffection to the law of the land prevailing among large numbers of the Irish people.

21. Mere Severity Powerless to Enforce Law.

There can be no question as to the existence, nor as to the lasting and formidable character, of the opposition existing in Ireland between the law of the land and the opinion of the people. The result baffles all our efforts to maintain order, because the strength of law ultimately lies in the sympathy, or at lowest in the acquiescence, of the mass of the people. When the conscience of any people permanently opposes the execution of the law, judges, constables, and troops become almost powerless. Severity then produces either no effect, or bad effects. Executed criminals are regarded as heroes or martyrs; and jurymen and witnesses meet with the execration, and often with the fate, of criminals.

22. True Issue on which our Policy must depend.

But before we can decide what are the inferences to be drawn from this undeniable fact of the Irish disaffection to law, we must

make quite sure what is its real nature. Does it depend mainly on agrarian, or mainly on political causes? On the true answer to this question must depend our right course of policy in Ireland.

There seems to be strong reason for the belief that agrarian grievances do, in fact, lie at the root, not only of Irish discontent, but of Irish disaffection to the law. The opposition to law which undoubtedly exists is not now, and never has been, general opposition to law, or even general opposition to English law. Pickpockets and burglars are not more numerous in Ireland than elsewhere, and are as easily convicted. The persons who either escape punishment, or if punished may count on popular sympathy, are criminals whose offences, atrocious and cruel as they commonly are, are connected in popular opinion with political, and at bottom with agrarian, questions.

The feeling of nationality on the other hand has played but a subordinate part in fomenting or keeping alive Irish discontent. The Home Rule movement never showed great strength till it became avowedly a Land League.

does Cruikshank confirm this?

23. Result of Historical Argument.

History then, if fairly interrogated, gives this result: Historical causes have generated in Ireland a condition of opinion which in all matters regarding the land impedes that enforcement of law which is the primary duty of every civilised government.

From this fact Home Rulers draw the inference that the law is hated because it is foreign, and that Englishmen should surrender to Irishmen the effort to enforce legal rights, since this duty is one which can be performed by a native, and cannot be performed by any English or foreign authority.

This conclusion is clearly not supported by the premises. If the source of popular discontent be agrarian, then the right course is to amend the land laws, while improving the administrative system, and enforcing justice between man and man. If, however, it could be shown that the passion for nationality really lay at the bottom of Irish discontent, the Home Rule argument would still be in a bad way; for if this be so, the demand must be satisfied (if at all) not by Home Rule, but by independence.

IV.—FROM THE VIRTUES OF SELF-GOVERNMENT.

Self-dependence is the source of self-reliance and of self-help. Leave Ireland to herself, say the Home Rulers, and Ireland will develop the sense of responsibility and the power of self-government. An Irish Prime Minister, they believe, would dare to be strong, because he knew himself to be popular; would punish conspirators with a severity unknown to English Governments; and seeing anarchy to be the bane of his country, would not tolerate disorder. Boycotters, moonlighters, dynamiters, and assassins would find themselves engaged in a contest with the will of the people, and being deprived of popular sympathy, would submit to a law which was felt to be the expression of the national will. Self-government in Ireland means strong government, and strong government is the one cure for Irish misery. This line of thought has, I believe, won over to the cause of Home Rule many an English Radical, who detests anarchy even more than he loves liberty.

24. Which would not be called out by Home Rule.

Once more it must be repeated that Home Rule is not National Independence nor anything like it. It is idle to suppose that the position of a member of a Confederacy, or that of a Colonial Dependency, would give to Irishmen the sense of independence or of responsibility which belongs to a self-governing nation.

Suppose, however, that the creation of an Irish Government and of an Irish Parliament did give to Ireland (even though still in many respects dependent on England) such a new sense of power and of responsibility as would enable her to create for herself a strong executive. Yet Government must be just as well as strong; and the question would remain whether rulers who had come to the head of affairs solely because they represented the strongest among many Irish factions or parties, would be able to rule with justice. If the power of England were exercised to restrain injustice, Ireland would not be in truth self-governed, and would not therefore reap the fruits of self-government. Yet England could not, under any arrangement short of actual separation, cease to be in some degree responsible for the maintenance of order in Ireland.

V.—FROM THE NECESSITY FOR COERCION ACTS.

Coercion Acts are popularly supposed to be enactments suspending the operation of ordinary law, and therefore conflicting with

the principles of the English Constitution. Order, we are told, has been maintained in Ireland since the Union chiefly by means of Coercion Acts, and it is the hope of getting rid of this unwelcome necessity which reconciles many Englishmen to the notion of Home Rule.

A lawyer is much tempted to dismiss all objections to Coercion Acts with the remark that since a law is merely a rule to which obedience is compelled by the power of the State, and Coercion is but another name for compulsory obedience, the objection to Coercion Acts is in reality an objection to law itself, or in fact to the existence of political society. We may, however, be sure that, however inaccurate the manner of its expression, the dislike to Coercion Acts entertained by sensible men represents a real conviction which we must try to understand. For this purpose we must carefully distinguish between the two distinct though closely connected ideas which it includes.

25. Two real Grounds of Objection to them.

(*a*) *As being at Variance with Moral Sentiments.*

In the first place, the word Coercion means any attempt to enforce a law among people whose moral sympathies are at variance with the law itself. Thus, to punish a ritualist for not conforming to the judgment of the Privy Council, to enforce vaccination at Leicester, to distrain upon a Quaker for tithes, to eject an Irish tenant from the farm he has occupied, to drag him into court and seize his goods if he does not pay his rent, to punish severely resistance to the sheriff's officer or the bailiff who gives effect to the rights of an Irish landlord, are proceedings which are commonly called either persecution or coercion, as the case may be. They certainly are proceedings of a very different kind from those by which common debtors are compelled to pay their debts, or thieves are prevented from picking pockets or breaking into houses. The difference lies in this:—where the enforcement of the law is called "Coercion," not only does the criminal think himself in the right, or at any rate think the law a wrongful law, but also the society to which he belongs holds that the law-breaker is maintaining a moral right against an immoral law. The anti-vaccinator is deemed a martyr at Leicester; the farmer who will not pay his rent is thought a patriot at Cork. Where the enforcement of the law is not popularly deemed Coercion, it is because the law-breaker does not suppose

himself to be in the right, and still less do his associates think him morally praiseworthy. A thief does not in general hold any theory about the rightness of larceny, and there is no society, in the United Kingdom at least, who deny the moral validity of the eighth commandment.

(*b*) *As being Dangerous to Liberty.*

In the second place, Coercion means the enforcement of law by arbitrary and exceptional methods, which tend to diminish the securities for freedom possessed by ordinary citizens. Thus the suspension of the Habeas Corpus Act, the abolition of trial by jury, the introduction of peculiar rules of evidence to facilitate convictions for a particular class of crimes, a suspension (speaking generally) of what would be called in foreign countries "constitutional guarantees," in order to secure obedience to particular laws, would be called Coercion.

What is commonly called a Coercion Act, therefore, has one or both of the following characteristics;—either it enforces some rule of law which does not command the moral assent of the society or people amongst whom it is enforced, or else it constrains obedience to the law by some exceptional and arbitrary method.

Now the objection to such acts is, in a measure, founded on good sense. Laws derive three-fourths of their force, not from the fears of law-breakers, but from the assent of law-keepers; and legislation should, as a rule, correspond with the moral sentiment of the people. A law permanently at variance with wide moral feeling needs repeal or modification.

It is also true that exceptional and arbitrary legislation is always open to suspicion. If the Habeas Corpus Act be generally necessary for the protection of personal liberty, its suspension is, on the face of it, an evil. If it be undesirable that officers of the army should suddenly and without legal training be set to exercise the power of judges, then martial law is a great, though it may be an unavoidable, calamity.

26. How these Objections should be Met.

Laws which have received the odious name of Coercion Acts have frequently, though not always, been open to objection, on both the above grounds. The obvious conclusion is, that they should as much as possible be stripped of these odious characteristics.

A Coercion Act should in the first place be aimed, not so much at the direct enforcement of rules opposed to popular opinion, as at the punishment of offences which, though in some degree connected with dislike to an unpopular law, or to unpopular rights, are yet deeds in themselves condemned by the human conscience. Deliberate breaches of contract, insults to women and children, the murder or torture of witnesses who have given truthful evidence in support of a conviction for crime, or brutal cruelty to cattle, may be methods of popular vengeance, or used as sanctions to enforce an agrarian code; but one may feel certain that the man who breaks his word, who murders or tortures his neighbour or his neighbour's cattle, knows himself to be not only a criminal but a sinner, and that the law which condemns him to punishment, though it may excite temporary outcry, can rely on the ultimate sanction of the popular conscience.

A Coercion Act, in the second place, should as far as possible be neither a temporary nor an exceptional piece of legislation. The temporary character of Coercion Acts has needlessly increased their severity, and has at the same time deprived them of moral weight. It has increased their severity, because Parliament has allowed itself to be careless in fixing the limits of powers which were to last but a short time. It has deprived them of moral weight, because an Act which is law one year, and ceases to be law the next, can have neither the certainty nor the dignity which belongs to the permanent law of the land.

Coercion Acts again should be general, that is, they should apply, not to one part, but to the whole, of the United Kingdom. Powers needed by the Government for constant use in Ireland must at least occasionally be wanted for use in England or in Scotland. It would be foolish, indeed, to enable the Government to convict a dynamiter in Dublin, and to leave it powerless to convict the same criminal of the same offence because he has crossed to Liverpool. Coercion Acts should in the main give new stringency to the criminal procedure, and should not invade the liberties of ordinary citizens. Their object is to facilitate the punishment of wrongdoers, not to restrict the liberty of citizens who have not broken the law. A good Coercion Act might be applied to the whole of the United Kingdom, with no other result than that of making it a less pleasant residence than it now is for criminals and conspirators.

27. Permanent and General Coercion Acts would improve our Criminal Law.

An Act which should be permanent, which should apply to the whole United Kingdom, and which should deal in the main with criminal procedure, could hardly contain injudicious, harsh, or tyrannical provisions. The passing of one such good Criminal Law Amendment Act, even though its discussion might occupy a whole session, would save an infinite waste of time, and would render unnecessary half a dozen Coercion Acts for Ireland. To enlarge the power of examining persons suspected of connection with a crime, even when no man is put upon his trial, to give the Courts the right under certain circumstances of trying criminals without a jury, to enable the Government to forbid public meetings when dangerous to the public peace, for instance, would be measures tending greatly to increase the efficiency of our Criminal Law. Some of these powers already exist in Scotland, without exciting any disapproval, and might advantageously be extended to the whole kingdom. Civilisation raises our standard of the protection which good citizens ought to receive from the State; it also places new means of attack in the hands of cheats and ruffians. The improvement of our Criminal Law must therefore keep pace with our general advance in civilisation.

Nevertheless, the necessity which has so often been encountered for laws fairly to be described as "Coercion Acts" in Ireland points to a discord between the law of the land and the law of the people. They are the outward and visible sign of internal discontent and disloyalty, and they do give good ground for supposing that the law or some part of it requires amendment. But the necessity for amending bad laws is no reason why just laws, or indeed any law which cannot rightly be repealed, should not be enforced. There seems to the thoughtless crowd—whether rich or poor; and all men are thoughtless about most things, and many men about all things—to be a certain inconsistency between reform and coercion; there is something absurd in the policy of cuffs and kisses. But this is only seeming; the necessity of carrying through by legal means an agrarian revolution—and the passing of the Irish Land Act was in effect an admission by the English Parliament that this necessity exists—is really a solid reason for the strict enforcement of justice. A wise driver holds his reins

all the tighter when he is compelled to drive along the brink of a precipice. The real question is, whether we can by just administration, and by just legislation, remove the source of Irish opposition to the law. If we can do so, the outcry about coercion becomes unmeaning; if we cannot, it becomes an argument of crushing power in favour, not of Home Rule, but of Separation.

VI. FROM THE INCONVENIENCE TO ENGLAND.

The presence of eighty-six Members in the Parliament at Westminster who do not respect its dignity or care for its efficiency, is absolutely fatal, we are sometimes told, to the success of parliamentary government, and to the character of parliamentary statesmanship. This is a real but surely a very measurable inconvenience, and one which it cannot be beyond the power of Parliament itself to deal with by stringent restrictions upon the overflow of parliamentary eloquence.

28. Lesson from Obstruction.

The real fact is, that Parnellite obstruction has revealed rather than caused the weakness of parliamentary government. The experience, not only of our own, but of other countries, shows the great difficulty of working our present system of government in a representative assembly which is divided into more than two parties. The essence of the difficulty lies in the fact that a modern ministry depends for its existence upon every vote of the House of Commons. This difficulty is met in more than one country, and especially in Switzerland and the United States, by constitutional arrangements which render the executive, though in the long run amenable to the will of the people, comparatively independent of the legislative assembly. It might in our case be met, for the moment at least, by a change in our parliamentary practice. Were it once understood that a Ministry would not retire from office except in consequence of a direct vote of want of confidence in the House of Commons, the political power of the Parnellite, or of any other minority, would be greatly diminished. Meanwhile the English people have the remedy in their own hands. By giving to either of the great parties an absolute majority, they can put an end to all the inconveniences of Parnellite

obstruction. The remedy is in their own hands, and recent experience shows that they will not be slow to use it.

29. These Arguments really tell in Favour of Separation rather than of Home Rule.

The arguments which we have been considering do undoubtedly show, what no one who has given a thought to the matter has ever doubted, that the present relation between England and Ireland is unsatisfactory and full of inconveniences. Although they are, as far as they go, objections to the maintenance of the Union, they do not in reality tell in favour of the policy of Home Rule; they are, in short, arguments in favour of Irish independence, and would be seen in their true character should the Irish demands take the form of a claim to independence.

Meanwhile we have before us only three possible courses:—the concession to Ireland of Home Rule,—Separation,—and the Maintenance of the Union. We must now consider the advantages and disadvantages of each of these three courses in turn.*

CHAPTER III.

HOME RULE—ITS FORMS.

There are three principal types of government which it is supposed that we might more or less copy in the attempt to give Home Rule to Ireland. These are (A) Federalism, (B) our already existing Colonial system, and (C) the Constitution proposed by Mr. Gladstone in the Bill for the "Government of Ireland."

30. Conditions by which we must Test each Plan.

The three following conditions are admitted to be essential to any plan of Home Rule which can be accepted by England, and by them, as by a touchstone, we must test each of the plans before us:—

1. It must be consistent with the ultimate supremacy of the British Parliament.

2. It must be just; that is it must provide that each part of the

* 'England's Case,' pp. 47-127.

United Kingdom take a fair share of Imperial burdens; that the citizens of each part have equality of rights; that the rights both of individuals and of minorities be safely guarded.

3. It must promise finality; that is it must be in the nature of a final settlement of the demands made on behalf of Ireland, and not be a mere provocation to the revival of fresh demands.

It must, in short, to sum up the whole matter, be, as already insisted upon, a scheme which promises to England at least not greater evils than the maintenance of the Union or than Irish independence.

(A) FEDERALISM.

I. Federalism is at this moment enjoying much of the credit of American prosperity. The Americans themselves very naturally feel that a constitution under which the Union has grown up and flourished, has fought and won the biggest war of the century, and come out of it stronger than ever, must naturally be the right constitution for all countries aspiring to freedom. It is, however, very doubtful whether Great Britain and Ireland present the conditions which are necessary for any successful attempt at federal union.

These conditions are, first, that the countries concerned should be so connected by locality and history as to be capable of having in the eyes of their inhabitants the impress of a common nationality. Second, that these countries should desire union without desiring unity. It is also clear that loyalty to the central government is as necessary to the working of a federal system as is the loyalty of individual citizens to their separate States. Whether such a union could be maintained between two countries, one of which has no desire for State rights, and the other no desire for union, is obviously very doubtful. But since federalism has been recommended by eminent Home Rulers, we must consider a little more closely what are its essential characteristics; remembering always that the question to be considered concerns the formation of a new constitution, not for Ireland only, but for the whole of the United Kingdom. Half the mistakes of Home Rulers arise from the idea that Home Rule would affect Ireland alone.

A federal constitution must be a written constitution. It must define the respective powers of the Central and State Governments, and of the Central and State Legislatures. It must provide an arbiter to decide between them in case of dispute, and it must give the arbiter power to enforce his decrees. A federation is in its very

nature a compromise between the rival claims of the confederacy itself, and the States of which it is composed; and there must be in it somewhere or other, however concealed, a sovereign power able to uphold, and when necessary to alter, the constitution. There will, therefore, always be under a federation two kinds of law;—the ordinary law, which can be changed in an ordinary way by the central or local assemblies; and the laws, or rather articles, of the constitution, which can be changed, if at all, only by some method specially provided for the purpose, such as an appeal to the people or a constituent assembly.

In a federation of Great Britain and Ireland there would be one peculiarity which does not characterise in anything like the same measure any existing confederacy. The power of one State, namely, Great Britain, must, from the nature of things, always outweigh that of the other. Hence, Home Rulers would soon discover a, to them, perfectly valid reason for resistance to the federal government. The federal government would in effect be the government of England. In a confederacy where there are many States, the central government cannot be identified with the most powerful of the States. Where a confederacy consists in reality of two States only, of which one has four or five times the power of the other, the authority of the confederacy means the authority of the most powerful State.

31. Advantages to England.

The advantages to England of such a plan, as compared with separation, would be, first, that the break with the past would be less, and the failure less obvious; secondly, that the loss in material resources would not be quite so great, since Ireland might possibly continue to contribute her share to the federal exchequer, although it is hard to see how a poverty-stricken country like Ireland could meet the expenses both of the central and of the local governments; and thirdly (and this is certainly no small advantage), the federal compact might be made to contain articles which would afford some guarantee for justice; for instance, by forbidding any State to suspend the Habeas Corpus Act; to bestow political privileges upon any Church; to pass laws infringing the obligation of contracts, or to deprive any man of his property without due compensation.

Let us now consider what would be the evils to Great Britain of the proposed constitutional revolution—for the conversion of the United Kingdom into a confederacy is indeed the most revolu-

tionary proposal which has ever been submitted to a British Parliament. The abolition of the House of Lords, the disestablishment of the Church, or the abolition of the monarchy, might leave the constitution less essentially changed than would the adoption of federalism even in an apparently moderate form.

32. Three definite Evils to Great Britain.

The definite evils of the proposed revolution fall under three heads. First, the sovereignty of the Imperial Parliament would be destroyed, and all English constitutional arrangements would be dislocated. Secondly, the power of Great Britain would be diminished. Thirdly, the chance of further disagreement with Ireland would certainly not be diminished, and would probably be increased.

(*a*) *Would dislocate Constitution.*

First, the secret source of the life and growth of the British constitution is the absolute supremacy of Parliament. Between the King, Lords, and Commons, there have at times been disputes as to the division of power amongst themselves, which have led to civil war; but that Parliament—that is, the Crown, the Peers, and the Commons acting together—is absolutely supreme, has never been doubted. It has been well said that the merit of the English constitution is, that it is no constitution at all. The distinction between articles of the constitution which can be touched only, if at all, by a constituent assembly, and ordinary laws, which can be repealed by an ordinary Parliament—the whole apparatus, in short, of artificial constitutionalism—is utterly unknown to Englishmen. Hence Parliament, like the Czar, is a despotic sovereign: it possesses unlimited power, and power which can at once be put in force by the means of ordinary law. England has, therefore, without the sacrifice of freedom, been able, at times of danger, to act with all the energy of despotism.* This is our great advantage over the United States. The pliability, power of development, and freedom of action of the British constitution are in America rendered impossible by the constitutional restrictions which hamper every ordinary authority. It is obvious that these qualities are essential to the maintenance of the British Empire. Home Rulers, in fact, whether they know it or not, seek to lay hands on the main-spring of the British constitution. When once the Imperial Parliament

* See 'England's Case,' pp. 238–252.

had become a federal congress, its omnipotence would be gone. Even were it made up of the same persons, elected by the same electors, its nature would be changed, and its power would be limited on all sides. It might, indeed, deal with Imperial and foreign affairs, and any matters placed within its competence; but on all other matters it would be powerless. Some arbiter—say the federal court—would have power to determine whether any law was constitutional; in other words, whether it was valid. Let no one suppose that this would be a mere matter of form; American experience decisively shows the contrary. The existence of an arbiter, who may decide upon the validity of any laws passed by either the central or the local legislatures, is essential to federalism; and the existence of such an arbiter absolutely destroys the sovereignty of Parliament.

Nor do the lessons of American experience end here. Not only has question after question, that is to say, conflict after conflict, arisen between the Federation and the original States, but we can see by American history to what an extent the federal pact checks change, in other words reform. Every institution based upon the articles of the constitution, becomes more or less sacred. Under a federal system the Crown, the House of Peers, the Imperial Parliament, or Federal Assembly itself, would be almost beyond the reach of change, reform, or abolition. Not only would the British legislature be thus affected, but the relations between the government and the country would be greatly altered. It is possible that the weakening of Parliament might add to the strength of the monarch, who, under such a system, would be in a very special sense the representative of national unity; however this might be, federalism would assuredly dislocate the British constitution.

(*b*) *Would weaken Central Government.*

Secondly, a system of federalism would also weaken the government. One of the questions which would have to be faced, would be that of the disposal of the army. Is the army to be entirely under the command of the federal, that is, in effect, of the British, government; or is Ireland to have an independent force of her own? If not, the language used by the federalists as to Irish independence is singularly misleading. If, on the other hand, Ireland is to have an independent force, then it passes the wit of man to see how the rights of the central government are to be

enforced in case of dispute. With the memory of the Irish Volunteer movement of 1782 before us, no man in his senses can maintain that an Irish army might not seriously embarrass the central government. Even if by any compromise the danger of actual collision could be avoided, the fact would still remain, that a scheme intended to secure local liberty would assuredly produce Imperial weakness.

It is, moreover, always found necessary to remove the executive authority in a confederation more or less from under the control of the representative assembly. Neither in the United States, in Switzerland, nor in the German Empire, can the federal administration be displaced by the vote of an assembly. Turn the United Kingdom into a federal state, and parliamentary government, as Englishmen now know it, is at an end. This might or might not be an evil; but it is idle to suppose that it would not be a revolution.

The central government, again, merely from that division of powers which is the essence of federalism, would be as feeble against foreign aggression as against local resistance. We are often told that Home Rule would have over separation the advantage of preventing any alliance between Ireland and a foreign enemy. But suppose that in case of a war with France the Irish Parliament objected to hostilities, can it be denied that it could by protest, by action, or even by inaction, give aid and comfort to the foreign enemy, and that in such a case a minority in the central congress would side with the local legislature, and thus obstruction might go hand in hand with sedition? Moreover, Great Britain might find it easier to control the action of an independent than of a confederated Ireland. Blockades and embargoes can be used against foreigners but not against citizens. The American Union found it harder to check the latent disloyalty of South Carolina than it would have done to deal with the open enmity of Canada.

Federalism, in short, would mean weakness of Great Britain at home and abroad. As the head of a confederacy, England, as the head also of the British Empire, would meet undiminished responsibilities with greatly diminished power.

(c) *Would not reconcile Ireland.*

Thirdly, federalism would be at least as likely to increase as to remove the causes of division between England and Ireland.

No federal government can be worked with any chance of success

without a genuine spirit of loyalty to the Union. In a federation every citizen owes a double allegiance; and the feelings even of loyal citizens are perplexed and divided between their local and their national allegiance. Unless their national sentiment be the stronger, the federation will go to pieces at any crisis in which the wishes and interest of the State come into conflict with those of the Union. In America men of unblemished honour were disloyal to the Union because they were loyal to their State. If Virginia had stood by the Union, Lee might have been the conqueror of the Confederate States of which he was the hero. Ireland has had far graver causes of disaffection to the English Government, than had Virginia to the Union; but Irish officers and Irish soldiers have always been perfectly loyal to England. The reason of the difference is obvious. The officers of the English army have never been perplexed by a divided allegiance. Irish soldiers, members of the Irish State, and paid by the Irish Government, could hardly be blamed if in case of disputes, leading, perhaps, to civil war, they should feel more loyalty to their State than to the Union—the Union in such a case being nothing but Great Britain under a new and less impressive title, while the State would be Ireland herself.

The federal bond would supply abundant matter for such disputes. Home Rulers evidently entertain greatly exaggerated hopes of the benefits to be reaped by Ireland from Home Rule, besides (very naturally) confounding Home Rule with Independence.

33. Would cause Bitter Disappointment.

One gift Home Rule assuredly could not bestow; it could not make Ireland rich. Under any possible form of government Ireland must for a length of time remain a poor country. Capital knows nothing of patriotism or sentiment; credit cherishes no trust towards the people. The one thing we may be sure of beforehand is, that an Act bestowing Home Rule would not increase Irish capital, and would shake Irish credit. The mere rumour of it has, it is said, already disturbed the course of business in Ireland. The establishment of federalism therefore would, in the nature of things, lead to bitter disappointment. It is natural that Irish patriots should expect material prosperity from Home Rule, and the disappointment which is sure to attend a great change would in the case of Ireland be specially bitter. The country would enjoy neither the dignity of independence nor

the comfort of wealth. If taxation increased, as it probably would—if wealth did not increase, as it certainly would not—if semi-independence failed to inspire the hope, the energy, and the new life which had been expected from nationality—if, in short, anything disappointed hopes which could hardly be satisfied by a miracle, all the blame would be laid upon the confederacy, that is, upon England. And this without any special unreasonableness in the Irish character.

National independence compels men to take their fate into their own hands, and to accept the responsibility of their misfortunes. Semi-independence makes it easy to lay all the blame on the want of absolute freedom.

Not only would the new federal constitution thus give rise to discontent, but in its daily working fresh occasions of dispute would constantly occur. Nothing can prevent the rise of burning questions about federal and State rights, and it is idle to suppose that a federal tribunal would command an obedience not willingly yielded to the laws of the Imperial Parliament. Englishmen, indeed, might submit to the decision of the federal court for two reasons; first, that they are a legally-minded nation; and secondly, which is far more important, that the federal court must represent in the main the opinions of the federal government, that is, of Great Britain; but it would be vain to expect the same obedience from the followers of Mr. Parnell.

31. Would produce Demand for Break-up of Empire.

From this last consideration we are led to perceive another danger. When a confederacy practically consists of only two States, one of which has four or five times the power of the other, the authority of the confederacy means the authority of the stronger State. Were a confederation of Great Britain and Ireland once established, it would soon lead to a demand for the breaking up of the United Kingdom, and eventually of the whole British Empire, into separate States. Thus alone could Ireland become a real State, the member of a genuine confederation. This is no future or imaginary peril; experiments in this direction have already been seriously proposed by writers of great influence. The one thing of which we can be sure is, that federalism would not bring about that good-will between England and Ireland, which would alone be a sufficient compensation for its many evils and inconveniences.

(B) COLONIAL INDEPENDENCE.

The modern colonial policy of England having relieved English statesmen from a load of trouble and anxiety, and changed colonial discontent into an almost ostentatious loyalty, is by many people supposed to afford an example of the method by which Irish independence might be combined with the maintenance of the integrity of the Empire. The hope of finding a solution of our difficulties with Ireland in the grant of colonial independence arises from the gross ignorance of the public as to our real relations with our self-governing colonies. Some brief account of the constitutional position of the colony of Victoria will afford the best answer to this proposal. Victoria may be taken as a type of our self-governing colonies. It is at the same time for many purposes an independent community, and for other purposes (what it is altogether in theory) as truly subject to the British Parliament as is Middlesex or the Isle of Wight.

35. Victorian Independence.

Let us try, in the first place, to realise the full extent of Victorian independence.

Victoria enjoys a constitution after the British model. It has a governor, two houses of parliament, and a responsible ministry. The Victorian parliament, though subject of course to the authority of the British parliament, is as supreme at Melbourne as are Queen, Lords, and Commons at Westminster. It makes and unmakes cabinets, it controls the executive action of the ministry, who in their turn are authorised advisers of that sham constitutional monarch, the colonial governor. It is bound by no written or rigid constitutional laws; it legislates on every subject of colonial interest; it provides for the raising of colonial forces; it may levy taxes and impose duties without regard to the commercial interests of other parts of the Empire; it may alter the constitution on which its own powers depend, and may, for example, extend the franchise or remodel the upper House. Since 1862, the colonies have provided for their own defence, and are not, except in time of war or peril of war, garrisoned by British troops. Order is maintained in Victoria by the Victorian police, supported in case of need by Victorian soldiers. A foreigner might live for many years in Melbourne without discovering that the supremacy of the British Government was much more than nominal. Although this would

be a mistake, it may be roughly said that Victoria is as to all merely colonial matters a self-governed and independent country.

36. Victorian Subordination.

The subordination of a colony like Victoria is, however, as real and as important a fact as its independence.

The foundation of the whole colonial system is the complete and unquestioned supremacy of the British Parliament throughout every portion of the royal dominions. No colonial statesman, judge, or lawyer ever dreams of denying the right of the Imperial Parliament to legislate for Victoria, and to overrule every opposing law or custom. And this right has not fallen into disuse. Not only have a large number of statutes been enacted by the Imperial Parliament both for the colonies generally and for particular colonies, but the sovereignty of Parliament is formally recorded in the Colonial Laws Act, which may be regarded as the charter of colonial legislative authority. It is enforced by two methods. In the first place, every court in the colony, as throughout the British dominions, is bound to hold void every enactment which contravenes an Imperial statute; and from colonial courts there is an appeal to the Privy Council. In the second place, the colonial governor is bound, as the representative of the Imperial power, if possible to avert the passing of any Bill, and if he cannot avert the passing, then to veto any Act, of the colonial legislature which is disapproved of by the home government as opposed either to Imperial law or to Imperial policy. The British Government has thus the complete power of controlling the legislation even of colonies like Victoria. This power may be exercised either by disallowing colonial enactments, or by passing Acts to supply provisions which the colonial legislature has failed to make; and it is in fact not unfrequently exercised.

37. British Supremacy cheerfully Accepted.

It is, of course, true that Parliament, having once given representative institutions to a colony, does not dream of habitually overriding or thwarting colonial legislation; but not the less real is the colonial recognition of British authority. This authority is in the main cheerfully admitted by the people of Victoria, because they gain considerably both in importance and prosperity from forming part of the Empire. They have no traditional hostility with the

mother country; they have no reason to wish for separation; and, which is equally important, they have no doubt that if they did wish for independence, it would be granted them. England thus stands, as regards Victoria, in a position of singular advantage; she could suppress local riot, and she would not try to oppose a demand for separation. Thus a complicated political arrangement is kept in tolerable working order by mutual understandings and concessions. If either England or Victoria were not willing to give and take, the connection between England and the colony could not last a month. Like most of our constitutional arrangements, it assumes a spirit of compromise and good-will; and although at this moment the pride of England in her colonies, and the colonial appreciation of the value of our supremacy, keep the system in working order, yet we ought not to forget the difficulties with which we have at times met (not only, for instance, in Jamaica and the Cape, but even in Victoria itself), in enforcing throughout the dominions of the Crown that respect for law which is the main justification for the existence of the British Empire.

38. Objections to this Plan for Ireland.

This brief sketch is enough to show that there would be two fatal objections to the plan of giving Ireland colonial institutions. It would entail upon England probable peril and certain disgrace. The peril is obvious.

The Irish Cabinet would at once provide an Irish army for the defence of the country; and were the colonial precedent to be strictly carried out, the British troops should at the same time be withdrawn from the country. This, however, in the face of possible invasion or insurrection, could certainly not be done. But the presence of British forces would place Ireland in a position utterly unlike that of an independent colony, and would involve the Imperial and local governments in endless difficulties and controversies. Suppose, however, that by some miracle of good luck or good management, the two forces worked well together, and for the moment Ireland were content with this approach to independence, England might indeed escape peril, but she would assuredly not avoid deserved disgrace.

An Irish Parliament, returned in the main by the very men who support the National League, would assuredly pass laws which every man in England, and many men throughout Ireland, would

hold to be unjust, and which, whether in themselves unjust or not, would certainly set aside Imperial legislation which England is bound by every consideration of honour and justice to uphold. It hardly needs to be proved that an Irish Parliament at the present day would deprive Irish landlords, and possibly Irish Protestants, of rights which the Imperial Parliament would never take away, and which the Imperial Government is absolutely bound to protect. If the English Government were base enough to acquiesce in legislation which the Imperial Parliament would never itself have countenanced, then England would be dishonoured. If Bill after Bill passed by the Irish legislature were prevented from becoming law by veto after veto, then English honour might be saved, but the self-government of Ireland would be at an end; nor would England gain much in credit. The English Government may control colonial legislation, but cannot control the colonial executive. It would be easy for the supposed Irish government practically to abolish rents, and drive landlords into exile without the passing of a single Act which could reasonably be vetoed by the colonial secretary, or held void under the Colonial Laws Act. Wild legislation at Dublin might indeed provoke armed resistance in Ulster; but a movement which, were Ireland independent, might secure justice, would, if Ireland were a colony, only add confusion to an already intolerable state of affairs. Imagine the shame and disgrace with which Englishmen would see British soldiers employed to suppress the revolt of Ulster against an Irish government which could not resist it without English aid.

39. Colonial Independence would not satisfy Ireland.

Colonial independence would also certainly fail to produce content in Ireland. It is by no means certain that colonial independence would be heartily accepted by any class of Irishmen; but suppose it were so, we may be sure that it would fail to produce goodwill towards England, not from the perversity of Irish nature, of which we hear a great deal too much, but from difficulties in the nature of things, of which we hear a great deal too little. The restrictions on the authority of the Irish Parliament, though worthless as safeguards for the authority of the Imperial Parliament, would be intensely irritating. Irish leaders would wish, and from their own point of view rightly wish, to carry through a revolutionary policy. The Imperial Government would attempt,

from their own point of view rightly, to arrest revolution. There would be disputes about the land laws, the army, and the police, about the authority of Imperial legislation, and the validity of Irish enactments, and disputes about appeals to the Privy Council. It is beside the mark to say that these causes of dispute do not trouble our relations with Victoria. Victoria is prosperous; Ireland is in distress. Victoria takes pride in the Imperial connection; our difficulties in Ireland arise from the fact that large bodies of Irishmen detest the British Empire. Victoria has never aspired to be a nation; the best side of Irish discontent consists in enthusiasm for Irish nationality. Above all, there has never been any lasting feud between England and her Australian dependencies; whereas the strongest reason for change in our relations with Ireland is the necessity for putting an end at almost any cost to a traditional hatred and misunderstanding caused by centuries of misgovernment and misery. If it be true that this misery, so far as it depends upon law at all, is chiefly caused by a vicious system of land tenure, it is vain to hope to cure it by a mere change of constitutional forms. Even were the passion for nationality the true source of the demand for Home Rule, and could that passion be satisfied by the position of a colony, it is idle to fancy that a system based on friendly understanding and habitual compromise could work well between two countries which are kept apart mainly because they cannot understand one another, and because neither of them admits the necessity of mutual concession. Moreover, a system of nominal subjection and real independence has the one great defect, that it does not teach the lessons of self-dependence; no one learns self-control who fancies that he is controlled by another.

The plan of colonial independence, in short, while making Ireland more dangerous to England than she would be as a separate nation, would fail to secure for her either the material advantages of Union, or the possible increase of self-control and energy to be expected from nationality.

40. It is the least objectionable Form of Home Rule.

Nevertheless, the colonial system is by far the least objectionable of the possible forms of Home Rule. It would not impair the supremacy of Parliament; there would be no more need for having Irish members at Westminster than there is for having Australian

members; the Irish Parliament would depend for its very existence on an Act of the Imperial Parliament, which could without any breach of faith modify or abolish any part of that Act. England would thus be able to enforce just principles of legislation and of administration upon the Irish Government; and just because this could be easily done, it would possibly prove unnecessary. Again, the gift of colonial independence to Ireland would cause no dislocation of the British constitution; it would only be an extension to Ireland of a system already existing in other parts of the Empire, and for which we have already the necessary machinery. Nothing would be changed; there would only be one colony the more; and the Colonial Office would have no great difficulty in dealing with Ireland as it now deals with Victoria. It may be said that the position would be a very poor one for Ireland; and so it would. Our very contention is, that for Ireland no less than for England, it is better that Ireland should continue to form part of the United Kingdom; it is the Home Rulers who think otherwise.

41. But requires Exemption from Taxation.

We must, however, point out that one claim which Home Rulers might fairly make, in case the very hazardous experiment of placing Ireland in the position of a colony should ever be tried. With the disadvantages Ireland ought in fairness to have the immunities of a colony, and should be freed from Imperial taxation. England could afford a sacrifice of three or four millions a year, and would obtain in return the real advantage of freedom from the Irish element in Parliament. Ireland, too, would gain something. A country impoverished, in part at least, through bad government, might think it no hard bargain to gain at once local independence and exemption from a heavy weight of taxation. The absence of anything like a tribute to Great Britain would remove one certain cause of discontent, and would for once place England before the Irish people in the light of a liberal ally.

To say this is not to recommend Home Rule in any form whatever; it is only to point out that of all its forms the colonial is the least disadvantageous to Great Britain, and that the experiment of placing Ireland in the position of Victoria cannot be tried with any fairness unless Ireland, like Victoria, is exempt from taxation.

(C) THE GLADSTONIAN CONSTITUTION.

There are three conditions which must admittedly * be fulfilled by any scheme of Home Rule which can be accepted by the people of Great Britain.

First, it must preserve the sovereignty of Parliament. Secondly, it must secure justice. Thirdly, it must promise finality.

Let us now see how far these conditions would have been fulfilled had Mr. Gladstone's Bill for the Government of Ireland passed, establishing what we may not unfairly call it the Gladstonian Constitution, become law.

It must in fairness be said that this now celebrated Bill was a most ingenious attempt to solve the problem of giving to Ireland a legislature at once practically independent and theoretically dependent upon the Parliament of Great Britain; a legislature which should have full power to make laws and to appoint an executive for Ireland, and which yet should not use that power in a way opposed to English interests or sense of justice. If the Bill failed to achieve this object, its failure was due not to any mistakes of detail but to the unsoundness of its principle. The problem indeed appears to be insoluble, the truth being that the only conditions on which Great Britain could wisely give Home Rule to Ireland are conditions which no scheme of Home Rule could satisfy.

42. Outline of proposed Constitution.

The principal features of the Gladstonian Constitution are as follows:—The executive government is vested in the Queen, but is

* "I laid down, I say, five essential conditions, from which it appeared to me we could under no circumstances depart. These were the essential conditions under which, in our opinion, the granting of a domestic Legislature to Ireland would be justifiable and wise—first that it must be consistent with Imperial unity; secondly, that it must be founded upon the political equality of the three nations; thirdly, that there must be an equitable distribution of Imperial burdens; fourthly, that there should be safeguards for the minority; and fithly, that it should be in the nature of a settlement, and not of a mere provocation to the revival of fresh demands, which, according to the right honourable gentleman, exceeded all reasonable expectation and calculation."—Speech of Mr. Gladstone, 13th April, 1886, 'The *Times* Parliamentary Debates,' p. 256.

Let it be observed that when Mr. Gladstone speaks of the unity of the Empire, he means the sovereignty of Parliament, for in the same speech from which these extracts are taken he says: "The unity of the Empire rests upon the supremacy of Parliament and on considerations much higher than considerations merely fiscal."—'The *Times* Parliamentary Debates,' p. 132.

carried on by the Lord Lieutenant and a council. The Lord Lieutenant would thus occupy substantially the position of a colonial governor, and would rule Ireland through a ministry nominally appointed by himself but in reality chosen by the Irish legislative body.

The constitution creates of course, and this is its vital provision, an "Irish parliament," consisting of the Queen, and an Irish legislative body or chamber made up itself of two orders. The powers of this Irish parliament are to be indefinite;—that is to say, it is to be able to pass any law which it is not by the Constitution forbidden to pass. Such an indefinite power tends of necessity towards constant increase. Certain subjects are, however, distinctly placed beyond its competence. These restrictions, though mainly intended to guard from Irish legislation matters of Imperial concern, do not precisely coincide with the division between Imperial and local interests. The Irish parliament might, for instance, pass an Act preventing particular classes of foreigners (or even of Englishmen) from settling in Ireland, but could not pass any law for the establishment or endowment of a church, or provide for the defence of the country.

These restrictions would be enforced either by the veto of the Lord Lieutenant, or by the authority of the judicial committee of the English Privy Council.

In return for these powers Ireland would give up all her present representation in the Parliament of the United Kingdom, and would contribute to the consolidated fund of the United Kingdom an annual sum of some four millions, to be collected by British officials and paid into the British treasury.

This constitution is to be capable of alteration only by the co-operation of the British and the Irish Parliaments, the Irish representatives being summoned back to Westminster for the purpose, and thus forming in combination with the British Parliament what we may describe as the Imperial Parliament.

43. How far does it fulfil Essential Conditions.

This paper constitution appears at first sight to combine the merits of American Federalism and of Colonial Independence. But how far does it really fulfil the three conditions already admitted to be essential?

(*a*) *Supremacy of Parliament.*

First, does this constitution preserve the supremacy of the British Parliament? In other words, would the British Parliament when sitting at Westminster, without having summoned the Irish representatives, have the power which our present Parliament undoubtedly possesses to legislate for Ireland,—to pass, for instance, a Coercion Bill, or an Act repealing the Gladstonian Constitution itself? As a matter of pure constitutional law, the existence of such authority on the part of the British Parliament under the Gladstonian constitution is more than doubtful; morally, the passing of such Acts would obviously be a breach of faith which England could not commit without dishonour. The creation of an Irish Parliament would therefore amount to a distinct abdication of power by the British Parliament.*

(*b*) *Justice.*

Secondly, does the Gladstonian Constitution secure justice both to Great Britain and to all classes of Irishmen? Roughly speaking, justice to Great Britain means the due contribution by Ireland of her share of Imperial expenditure. The Gladstonian constitution does nominally make a fair provision for the satisfaction of this claim; but the payments which it proposes to levy in Ireland, and which are already known by the hateful name of tribute, would assuredly have to be exacted in the long run by British officials supported by British bayonets, and Great Britain would have to choose between giving up the tribute and giving up all the objects for the sake of which it is proposed to grant Home Rule. It is absurd to suppose that if even just laws are hated in Ireland because they come in a "foreign garb," the same hatred would not be excited much more strongly by a foreign tribute. If Home Rule is to have even a bare chance of producing in Ireland the contentment of Victoria, Ireland, the poorest of all civilised countries, must be freed from a load of Imperial taxation which would not be borne by the richest of our colonies. Of all sacrifices by which Ireland might be benefited, the sacrifice which England should make with the least regret is that of revenue. But if it be true, as the Government of Ireland Bill implies, that justice requires an annual contribution from Ireland of three or four millions to the Imperial expenditure, it is clear that this claim can be satisfied only at the cost of keeping alive Irish discontent; and considering

* See 'England's Case,' pp. 249–251.

the practical difficulty of levying the tribute, the result of the attempt might well be that England should be impoverished and Ireland angered.

But a far more important question is, how far it would be possible under the Gladstonian constitution to secure in Ireland justice to individuals or to unpopular minorities. An Irish Executive would at once be called upon to deal with cases which would severely test its sense of justice. Is there any security under the Gladstonian constitution that the rights of the landlords—rights, be it remembered, of British subjects, which ought to be neither more nor less sacred than the rights of a British subject in London or Calcutta,—would be protected by an executive of land-leaguers? There is, I answer, none whatever. To distrust the justice of an Irish Government is not to show special distrust of Irish nature. The Irish leaders are of necessity revolutionists, and whatever other virtues may belong to the revolutionary temperament, it knows nothing of justice. With all its faults, the Government of the United Kingdom must possess more impartiality than could belong to a ministry formed out of the leaders of any Irish faction.

The Gladstonian constitution provides two methods for controlling the action of the Irish parliament. These are, the veto of the Lord Lieutenant and the action of the Privy Council. The veto of the Lord Lieutenant could not be used either frequently or upon important occasions without appearing, and that with good reason, to nullify the concession of Home Rule; and the Constitution provides no means whatever for enforcing the decisions of the Privy Council when opposed to Irish opinion, or to the decision of the Irish courts. Neither of these two methods would therefore afford a real guarantee for just government in Ireland. Home Rulers no doubt believe that no such guarantees would be needed; but restrictions which are not needed are certainly impolitic, and those which cannot be enforced are worthless. The Gladstonian constitution, however, admits that guarantees are wanted for the security of justice. In this opinion most Englishmen agree. If then the guarantees are illusory the Constitution does not secure justice.

(*c*) *Finality.*

Thirdly, does the Gladstonian constitution hold out a fair hope of finality? We may confidently assert that it would not be a final or even a lasting settlement of our constitutional relations with Ireland.

It would, while leaving alive elements of discord, cause disappointment and inconvenience to both countries, and its working would give rise to continual friction and irritation.

Englishmen would find to their great disappointment that it had not freed them from the difficulty of governing Ireland. Home Rule is not Separation; and nothing short of Irish independence would greatly lessen English responsibility. We should also soon discover that the creation of a statutory constitution for Ireland had curiously hampered the working of our own institutions. Questions would continually arise as to the limits between the provinces of the British and Irish Parliaments respectively. Many desirable reforms in our own constitution would become impossible, and disputes would arise respecting the ultimate sovereign power of the State such as have hitherto been quite alien to British politics, and must involve elements of unknown danger.

44. It would Disappoint both Countries.

The last disappointment of England would be to find that Home Rule had not satisfied Ireland. To say this is not to imply that its acceptance by Irish Home Rulers is dishonest. In their eyes it is a move in the right direction. They exaggerate the freedom of action which it promises to Ireland, and expect from it more than it can give. It cannot tempt capital to Ireland, but it may easily drive capital away from her shores. It cannot diminish poverty. It cannot in its direct effect assuage religious bigotry. It cannot of itself remove agrarian discontent. It is unfortunately so devised as to outrage national sentiment quite as much as it can soothe it. The tribute must affect the pride of every Irishman as much as his purse. Can it be supposed that northerners, indignant at recent treachery, and Catholics, mindful of ancient oppression, will not join, and justly join, in denouncing the demand for a tribute to be raised for Imperial purposes at the very moment when Ireland ceases to have a voice in directing Imperial policy?

Irishmen would again find to their disappointment that the constitution intended to give them independence imposed annoying fetters on their freedom of action. It would restrict them from creating a tariff, from raising volunteers, from endowing religion; and these restrictions would be the more annoying because none of them are imposed on the colonies.

45. It would produce Causes of Dispute.

Further, it would assuredly produce irritation and friction. This is one of the great dangers of every scheme for uniting partially independent states into a political whole. The authors of the Gladstonian constitution have bestowed but little attention upon the necessity for avoiding occasions of constitutional conflict. The scheme, which is an attempt to combine the advantages of federalism and colonialism, certainly combines many of the evils of both systems. Federalism has its merits and its defects; English colonialism works well enough; the sham federalism and the sham colonialism of the Gladstonian constitution must create between Great Britain and Ireland all the causes of discontent which have from time to time tried the strength of the American Union, and all the causes of disturbance which from time to time reveal the weakness of the tie which binds together our colonial empire.

46. It could not Work.

For all these reasons it is clear that the Gladstonian constitution affords no real prospect of finality. The ingenuity of the plan has indeed hardly been sufficiently recognised, but the essential unreality which this ingenuity has concealed has not even yet met with due condemnation. Since the day when the National Assembly of France presented the brand-new French constitution to the acceptance of Louis the Sixteenth, no form of government has ever been seriously proposed for adoption to an intelligent people so radically unworkable as that Gladstonian constitution which has been instinctively rejected by the good sense of the British Parliament. The constitution of France lasted out two years. To a jurist it may appear conceivable, though hardly probable, that by the vigorous aid of the British Parliament, the new constitution for the United Kingdom might have lasted for as long a period.*

* 'England's Case,' pp. 157–277.

CHAPTER IV.

SEPARATION.

47. Three Main Evils.

The great mass of Englishmen have so strong and well-grounded an aversion to the idea of separation from Ireland, that it may almost be called a political instinct.

The evils which separation would cause to England are mainly three.

(*a*) *Discreditable Surrender.*

I. It would in the first place be a complete surrender of the objects we have aimed at for centuries, and an abdication of authority such as no powerful nation can make without real discredit. Such a surrender, if wrung from a nation by the force of crushing defeat, may indeed be a sign or a cause of weakness, but need involve no disgrace. The Austrians, the French, the Danes, and the Dutch, and we ourselves in America, have all in turn lost territory without loss of credit. Each of these nations in turn was beaten, as one of the parties to a fight must be beaten; but each had struggled manfully to maintain its power, and had betrayed none of those failings which encourage further attack. But a deliberate and unforced surrender of authority would be a very different thing. It could be made without loss of our own self-respect or of the respect of other nations, on one condition only. That condition would be, the united conviction of the whole English people that justice required the grant of independence to Ireland.

No such conviction exists, or is ever likely to exist. The English sense of duty tells the other way. Could we even consider the idea of separation as desirable on grounds of expediency, it would still be hard to persuade the nation that there was not vile treachery in deserting that part of the Irish people which desired to remain united to us; and that there would not be something approaching even to infamy if England, for the sake of her own comfort, should abandon subjects who have obeyed her laws, relying upon her honour for their protection, to the mercy of conspirators whose lawlessness had taken the form of cruelty and tyranny, and under

whose rule they would assuredly suffer for their former loyalty to England.

(*b*) *Loss of Money and Men.*

II. Separation would mean a loss to Great Britain both in money and men. The loss in money would not, perhaps, be very serious. It appears to be estimated by Mr. Gladstone, probably not unfairly, at about three-and-a-half millions per annum. But the sacrifice of a seventh part of our population would be no light matter. The bravery, the capacity, and the genius of Irishmen, whether as labourers, soldiers, generals, or statesmen, have assuredly rendered no trifling services to the British Crown. It is, however, happily beyond the reach of political revolutions to dissolve, or greatly to injure, ties of kindred, business, friendship, and affection, and depending upon community of language, of interest, and of feeling. A generous and a just extension of the privileges of citizenship might fill the British army and Civil Service with Irishmen, even after Ireland had become independent. It would, in any case, depend upon the wisdom of Great Britain whether separation should or should not mean estrangement.

(*c*) *Possible Hostile Neighbour.*

III. Separation would give England a foreign, and possibly a hostile, neighbour on her western coasts. In time of war Ireland might ally herself with our enemies; in time of peace she might embarrass our diplomacy. We should have to increase our army when we had lost our best recruiting ground, and we should, sooner or later, be driven, like all Continental States, to the ruinous resource of conscription. Yet after all, Ireland is, and long must be, a poor country; and its people are divided amongst themselves by marked differences of race and of religion. Need we really suppose that England could not hold her own alongside of an Irish republic, which would certainly be poor, and would probably be a prey to violent factions? In any case the vital matter for us is to retain the command of the seas. If England's naval supremacy were lost, the power of the British Empire would be gone; but while it lasts, it is a complete protection against invasion.

The only nations with which Ireland could combine against us are America and France. The notion of Ireland ever becoming a part of the American Union is the wildest of dreams; but the possibility of an Irish alliance with France is a different matter. An

alliance between France and Ireland would no doubt be a help to France in attacking us; but it does not make the attack more likely to occur. It must also be remembered that Irish discontent or sedition would, during a war, help France as much as Irish independence. Ireland is, no doubt, the weak point in our defences; the question is whether, and how much, her independence would widen the breach in our defensive system. The true guarantee for peace between nations is the immense interest which each has in abstaining from war. England and France, though long deemed hereditary foes, have now been at peace for seventy years, in spite of many occasions of discord. The security for peace arising from national interest would not be lessened if Ireland were to be proclaimed independent to-morrow.

48. Possible Compensations.

In thinking of the probable evils of separation, we should keep constantly in mind the fact that the wisest thinkers of the last century, including Burke, held that the independence of the American colonies meant the irreparable ruin of Great Britain. This belief appeared to rest upon solid grounds; but experience has disproved it. If we look calmly at the question of separation, we can even now see, that with all its undoubted evils, such an event might produce two good results to Great Britain.

(*a*) *Increase of Power of Great Britain.*

It might, in the first place, give us in exchange for the lost territory some increase of power. There is something so repulsive to the best feelings of citizenship in dwelling at all upon the thought of possible advantages to be reaped from an Act which would transform thousands of our fellow-countrymen into aliens, that it is painful though necessary to trace out this matter with clearness. There is in Europe no country so completely at unity with itself as Great Britain. Fifty years of reform have done their work, and have removed the discontents, the disaffection and the conspiracies which marked the earlier years of this century. Neither Englishmen nor Irishmen are to blame for the fact that both countries have suffered from the difficulty of keeping step together in the path of progress, which must beset two communities whose histories and tendencies differ so widely. For other evils arising from the connection, the blame must rest on English statesmen. The habit of ruling one part of the kingdom on principles which no one

would apply to the other parts of it, could not fail to weaken our Government, and to injure the character of our public men. The distraction and uncertainty of our political aims, and the feebleness and inconsistency with which they are pursued, all the weaknesses of the parliamentary system, and the vices of party government, have been increased by our relations with Ireland. Were Ireland independent, the authority of England would be increased by her freedom of action. She would deal, not with individuals, but with the State; and she could compel respect for treaties, or could protect her own interests, by invasion, by pacific blockade, or by a hostile tariff. There is a special reason for dwelling on the power which England would have to compel the observance of engagements by her weaker though independent neighbour, because the strongest moral objection to separation is the danger of disgracing ourselves by failing to provide for the protection of men who have been faithful and loyal citizens. But the treaty of independence would provide guarantees for the rights of Irish Protestants, and the mere threat of war, or of a hostile tariff, might prove more effectual for their protection than Coercion Acts, courts, or constables.

(*b*) *Might bring about Friendliness.*

Secondly, it is possible that political separation might open the way to friendship. If we could hope that Irish independence would bring to Ireland happiness and prosperity, we might venture to expect also that it would lessen ill-will to England. With nations, as with individuals, the removal of grievances removes the disposition to quarrel. Between Austria and Italy, between Belgium and Holland, and between America and Great Britain, independence has proved effectual in allowing the growth of friendly feeling.

The possible increase of English power, and the possible growth of goodwill between England and Ireland, are not indeed given here as anything like reasons in favour of separation. They are set down simply as deductions from the immense evils of a policy which no Englishman can regard as other than most injurious to the whole United Kingdom. It should not, however, be forgotten that they are possible compensations for the evils of separation, and that no such compensations would attend the evils involved in Home Rule.*

* 'England's Case,' pp. 142–156.

CHAPTER V.

MAINTENANCE OF THE UNION.

49. Failures of Act of Union.

Eighty-six years have elapsed since the conclusion of the Treaty of Union between England and Ireland. The two countries do not yet form a united nation. The Irish people are, if not more wretched (for the whole European world has made progress, and Ireland with it), yet more conscious of wretchedness; and Irish disaffection to England is, if not deeper, more wide-spread than in 1800. An Act, meant by its authors to be the source of such prosperity and concord as followed, though slowly, upon the union with Scotland, has not made Ireland rich, has not put an end to Irish lawlessness, has not terminated the feud between Protestants and Catholics, has not raised the position of Irish tenants, has not taken away the causes of Irish discontent, and has therefore not removed Irish disloyalty. This is the indictment which can fairly be brought against the Act of Union.

It is, however, of importance to remember that the mass of ills which the Act of Union has been powerless to remove were in existence long before that Act was passed. Destitution, sectarian animosities, harsh evictions met by savage outrages, the terror of secret societies, the stern enforcement of law which to the people represented anything but justice, had existed before the Volunteers established the parliamentary independence of the country, and continued to exist when Ireland was subject to no laws but those passed by an Irish Parliament. These evils could be but very indirectly affected by a purely political change. The authors of the Act of Union committed two mistakes, of which we should do well to take notice now. They thought that a change in the form of the Constitution might remove evils really due to social and economical causes; and they thought that such a change might allowably be brought about by means which outraged all the best moral feeling of Ireland.

50. Danger of repeating Mistakes made by Authors of Act.

We are once more told that a constitutional change is the remedy for Irish misery, and invited to set aside considerations of

right and wrong (in this case the moral rights of a loyal minority, and the legal rights of Irish landlords,) for the sake of possible benefits from an experiment in constitution-making. There seems to be a danger lest our present policy should reproduce the errors and vices of the policy of 1800. Be this as it may, we must now briefly consider what are the actual evils to England of maintaining a legislative union with Ireland, and what its counterbalancing advantages. We need but briefly recapitulate the arguments against the maintenance of the Union, since we have already considered them in the form of arguments in favour of Home Rule. They are mainly three.

51. Inconveniences of Union.

(*a*) *Hampers English Policy.*

(1) The Union hampers and complicates English policy, even apart from the existing agitation for Home Rule. The tenacity of England during the war with America, and her triumphant energy during the revolutionary struggle, were due to a unity of feeling which can hardly exist in a Parliament containing a large body of Irish Roman Catholics, as must always be the case with the Parliament of the United Kingdom, since no one on either side is insane enough to propose the repeal of the Catholic Emancipation Act.

(*b*) *Requires tedious Parliamentary Struggle.*

(2) The maintenance of the Union will involve a long, tedious, and demoralising contest with obstruction. The battle of the Constitution must be fought out in Parliament; and if it is to be won, Englishmen may be compelled to forego for a time much useful legislation, to modify the rules of party government, and possibly even the forms of the Constitution.

(*c*) *And arduous Effort to Govern justly.*

(3) If the Union is to be maintained with advantage to any part of the United Kingdom, the people must make the most strenuous, firm, and continuous effort, lasting it may well be for twenty years or more, to enforce throughout every part of the United Kingdom obedience to the law of the land. This effort can be justified only by the equally strenuous determination (which must cost an infinity of trouble) to give ear to every Irish complaint, and to see

that the laws which the Irish people have to obey are laws of justice, and (what is much the same thing) laws which the people of Ireland will in the long run feel to be just.

To carry out this course of action would be difficult for any government, and perhaps especially so for a democratic government. Although however it is no easy task to maintain the Union, it has yet to be proved that any form of Home Rule will give more ease to the people of England; nor could the difficulty be got rid of, though it might be somewhat changed, by abolishing the Irish representation in Parliament, or by treating Ireland as a Crown colony. Such measures, however morally justifiable as temporary expedients, are scarcely open to a democratic government. Democracy in Great Britain does not comport with official autocracy in Ireland. Every government must be true to its principles, and a democracy cannot without demoralisation play the benevolent despot.

52. Act of Union not altogether Fruitless.

The Act of Union, in spite of much failure, has produced some good results. It ended once and for all an intolerable condition of affairs, and its scope will never be understood unless its enactments are read in the lurid light cast upon them by the rebellion of 1798. The hateful means used to obtain an apparently good end have cast a slur on the reputation of statesmen who committed the grave moral error of seeking to restore at least the rule of law and peace in a distracted country at the price of the corruption of the legislature. Although their mistake was more pardonable, and its motives in part more noble, than may appear to modern critics, we may well lay to heart the lesson which it teaches—that you cannot base a just policy upon a foundation of iniquity. Yet, however ill-conceived and premature the Treaty of Union may have been, and however discreditable the means by which it was passed, it does not follow that these errors would be cancelled by its repeal. It may well be that their evil consequences would, on the contrary, be aggravated by such a measure.

53. Reasons for maintaining Union.

(*a*) *It "holds the field."*

The reasons for maintaining the Union, though obvious, are often forgotten.

In the first place, the support of the Union, whatever may be said to the contrary, is in fact the policy which holds the field; and it is upon the advocates of change, not upon those who would support things as they are, that the burden lies of making out their case. A fundamental alteration in the Constitution of the realm, is in itself no light matter; and any man who has eyes to see or ears to hear may easily be satisfied that the creation of an Irish parliament must be the beginning, not the end, of a revolution. Dublin is not the only city in the United Kingdom which has had an independent parliament; and in the present state of the world it is inconceivable that the success of an Irish demand for local independence should not excite or justify similar demands, the result of which would be to loosen the huge fabric of the British Empire.

(*b*) *Strengthens the Empire.*

Again, the Union of Great Britain and Ireland has increased, and its relaxation would of necessity diminish, the power of the central Government. That the Treaty of Union, with all its faults, has in some degree prevented successful rebellion, can scarcely be doubted. The difference between the abortive revolt of 1848 or the Fenian disturbances of 1866, and the desperate insurrection of 1798, affords some measure of the increase of strength which the Union has given to the English Crown. Or if the true explanation be that the disloyalty of this century is less deep than that of the last, we may infer that some progress, however slight, has been made under the Union towards national harmony. At any rate, the wealth and energy of Protestant Ireland now firmly support the legislative unity of the Kingdom.

The existence of the Union alone can afford to the Government such overpowering strength and obvious impartiality as is required for curbing the violence of religious and political zealots. In Belfast even a Nationalist, if a peaceable citizen, must feel that the withdrawal of the Queen's troops would not conduce to his comfort. It may be said that under a system of Home Rule one body or the other would gain the upper hand and restore order. Even granting this somewhat doubtful assumption, it is at best a plea, not for Home Rule, but for Separation; since no civilised government could allow any part of its dominions to become the scene of a free fight, by which one faction should gain the upper hand at the expense of another. England could not stand by and see order restored by any such violent method.

A reign of order, moreover, is not always the same thing as a reign of justice; still less does it always secure that personal freedom which can only exist under the equal rule of equal law, and is the blessing which every government worthy the name is bound to confer upon its subjects.

An impartial foreigner would probably hold that the existing connection between England and Ireland is dictated by the circumstances of the times, and by the very nature of things. This is not the age of small States, or for weak States. Such an observer would also see much that is hidden by the dust of battle from those actually engaged in a desperate political struggle. He would see that what is really needed to meet the real wants which find a vent in the cry for Home Rule, is much more a change in the spirit of Englishmen than an alteration in the Constitution of England. If Englishmen could learn to speak and to think of Irishmen with the respect and consideration due to fellow-citizens, if they could cease to jeer at Irishmen now, as not much more than a century ago they used to jeer at Scotchmen, the Union would soon become something more than a mere work of legal ingenuity. Such a change of feeling would make it easy for Englishmen to see that Irish local affairs ought to be managed in the Imperial Parliament according to the opinion of the Irish members, just as Scotch affairs are managed according to the opinion of the Scotch members. This reform in the practice need not change anything in the law of our Constitution. Mr. Bright, whose moral intuitions have more than once given him a prophetic insight, denied to our other statesmen, into the future of English policy, has already pointed the way to it. Meanwhile those who urge the maintenance of the Union have a right to insist upon the possibilities it contains of reconciling the strength of the Empire with due regard to the local interests and local sentiments of Ireland.

(c) *Enables us to carry out just Reforms.*

Lastly, the Union, while increasing the power of the whole United Kingdom, provides the means of carrying out, with due regard to justice, any reform, innovation, or if you please revolution, required for the prosperity of the Irish people. It has been said that the duty of an English minister is to effect by his policy all those changes in Ireland which a revolution would effect by force. This teaching is absolutely sound, if we add the implied condition that the minister, whilst aiming at the objects of a wise

revolutionist, must pursue them with a respect for justice, not always shown by the revolutionary spirit. But a policy of just revolution can be put in force only by irresistible power combined with boundless wealth. This is exactly what the Government of the United Kingdom can, and no Irish government could, supply. Mr. Gladstone and his followers fully admit this; and the Land Purchase Bill was a proof of their conviction that the policy of Home Rule could not be successfully and justly carried out without the power to draw upon the wealth of the United Kingdom. It was said, in effect,—Let the United Kingdom pay fifty millions, in order that Irish tenants may be turned into landowners without any injustice to Irish landlords, and may then enjoy the blessings of Home Rule without temptation to use their power for purposes of confiscation. If, however, the fifty millions are to be expended, it would surely be best first to settle the agrarian feud, and then to see whether the demand for Home Rule would not die a natural death. French peasants were Jacobins until the Revolution secured to them the soil of France. The same men, when transformed into landed proprietors, became the staunch opponents of Jacobinism. It is in any case the interest of England to see whether in a generation or so changes in the tenure of land might not produce a similar result in Ireland.

54. It is demanded both by Duty and Interest.

Interest here points the same way as duty. There can be no scheme, either of Home Rule or of Separation, which will not (disguise the matter as you will) savour of treachery to thousands of Irishmen who have performed the duties, and claim to retain the rights, of citizens of the United Kingdom. The worst illusion of the revolutionary spirit is the notion that justice to the people may be based upon injustice to individuals.

Protestants and landowners have neither more nor less claim to protection from the State, than Catholics and tenants. Rent is a debt, and an insolvent debtor, however pitiable his position, has no right to improve it by torturing or murdering any neighbour who is able and willing to pay his own debts. To maintain the Union is to maintain the effort to perform the obligations of the country, and to compel all citizens of the country to perform the duties imposed by law. The effort is a hard one, and the more so, because it requires the further effort to bring the law in Ireland and

throughout the United Kingdom into harmony with humanity and the demands of morality. There may indeed be a higher law than the rule of keeping one's promise; but before a man or a nation incurs even the appearance of bad faith, it is well to make sure that the so-called higher law of conscience is not in reality the lower dictate of indolence or cowardice.

55. Failure would point to Separation.

Neither nations nor individuals, indeed, can be bound in duty to do impossibilities; the limit of power is the limit of responsibility. But if England can no longer enforce justice in Ireland, there remains the grave question—whether this fearful result of past misdoing or error does not call for Separation rather than for Home Rule.*

Conclusion.

Let us here look back and sum up our argument. The strength of the arguments for Home Rule depends upon the fact that they fall in with the prevailing opinions of the day; and though public opinion deserves great consideration, we cannot really judge of the value of any prevalent belief without examining the causes from which it springs. The state of opinion which favours Home Rule results from various and even self-contradictory feelings, some of which belong to the highest and some to the lowest part of human nature; humanity and a sense of justice being here curiously combined with indolence and impatience. The arguments for Home Rule rest upon one doubtful assumption, and one undoubted fact. The doubtful assumption is, that the root of Irish discontent is the outraged feeling of nationality. The undoubted fact is, that in Ireland on all matters either directly or even remotely connected with the tenure of land, the law of the courts is opposed to the customs, to the moral sentiment, we may say to the law, of the people. Hence the Queen's tribunals are weak, because they are not supported by that popular assent whence judges derive half their authority; the tribunals of the League are strong, because their decisions commend themselves to the traditional feeling of the people. But both these considerations really tell almost as much against as in favour of the notion that the diseases (due in the first instance to the original vice of the connection between

* 'England's Case,' pp. 128–141.

England and Ireland) under which Irish society now suffers, can be cured by the creation of an Irish Parliament.

56. Dilemma.

If the passion of nationality is the cause of the malady, the proposed cure is useless; for Home Rule will not turn the people of Ireland into a nation. If, on the other hand, a vicious system of land tenure be the cause of lawlessness, then the proposed cure is needless; for the Parliament of the United Kingdom can reform the land system of Ireland, and ought to be able to carry through a final settlement of agrarian disputes with less injustice to individuals than could any Parliament sitting at Dublin.

57. Choice of Evils.

It is, however, amply proved that the task of maintaining peace, order, and freedom in Ireland, is at the present juncture one of supreme difficulty. Any possible course now open to us involves gigantic inconvenience, not to say tremendous perils. We have nothing before us but a choice of difficulties and of evils. Every course is open to valid criticism.

How to devise a scheme of Home Rule which shall satisfy Ireland, while leaving to England as much supremacy as may be necessary for the prosperity or even the continued existence of the British Empire, is a problem hard enough to solve in theory, and which we may not unreasonably hold to be insoluble in practice.

To carry out by peaceful means the political separation of countries which, for good and for evil, have for centuries been bound together by position and by history, is, in the judgment of statesmen, an operation involving dangers too vast for serious contemplation.

The maintenance of the Union must necessarily turn out as severe a task as ever taxed a nation's energies; for to maintain the Treaty of Union with any good effect, means that while refusing to accede to the wishes of millions of Irishmen, we must sedulously do justice to every fair demand from Ireland, must strenuously and without either fear or favour assert the equal rights of landlords and tenants, of Protestants and Catholics, and must at the same time put down every outrage and reform every abuse.

58. Three arduous Paths.

Yet to one of these three courses we are absolutely tied down. Each path is arduous. To complain about the nature of things is childish. We must all of us look facts in the face. "Things and actions are what they are, and the consequences of them will be what they will be. Why then should we desire to be deceived?" * We must calmly compare the advantages of the three steep roads which lie open to the nation, in order to decide which of them we are bound to follow by motives of expediency and of justice.

We will once more sum up the comparison already made of these three paths.

(*a*) *Home Rule.*

It may be pleaded for Home Rule that it offers two obvious advantages. It would satisfy the immediate wish of millions of Irishmen; and it would make it easier to adapt Irish institutions to Irish wants. These two results, which are the best that can be looked for from Home Rule, would be real advantages, and it would be folly to underrate them. Indeed, the moral gain of meeting the wishes of the Irish people would be so incalculable that nothing short of a conviction that Home Rule of necessity involves intolerable evils should prevent the experiment from being tried.

It is sometimes suggested that Home Rule would have the further advantage of lessening English responsibility for the government of Ireland. What it really might do is to lessen England's sense of responsibility for misrule in Ireland; but this, so far from being a blessing, would in truth be one of the greatest of evils.

But apart from this possibility, Home Rule would, as we have already shown, inflict inevitable evils upon England. Under the form of Federation, it dislocates and weakens the whole English Constitution. Under its least objectionable form, that of Colonial Independence, it brings upon England many of the perils of separation; it involves, if it is to have a fair chance of success, large pecuniary sacrifice, and is not likely to secure real good-will between Great Britain and Ireland. Lastly, while not freeing England from moral responsibility for protecting the rights of every British subject, it does virtually give up the attempt to enforce those rights.

* Butler's 'Sermons,' vii. p. 136, ed. 1726.

It should also be observed that while no form of Home Rule offers any promise of finality, the form which is least injurious to England is that which gives Ireland most independence. The inference from these facts cannot be missed. Home Rule is the halfway-house to Separation. Grant it, and in a short time Irish Independence will become the wish of England. There are, no doubt, some who desire Home Rule precisely for that reason; but if two countries are to become independent, it is surely better for each not to go through the disappointment and the heart-burning which belong to a period of unwilling connection.

(*b*) *Separation.*

Separation is an idea which has not entered into the practical consideration of Englishmen. The evils it threatens are obvious. It would lessen the resources of Great Britain, while increasing the demand upon them; it would lower the fame of the country while planting by her side a foreign, perhaps a hostile neighbour; it involves the desertion of loyal fellow-citizens, who have trusted in the good faith of England. Yet the material losses and perhaps the dangers which it involves may be overrated. Great Britain might find compensating elements of power in her complete freedom of action and restored unity of national sentiment; and she might also find herself able to give to the Loyalists protection more effectual than could be secured by any written constitution. Moreover, the spirit of nationality, which could not be satisfied by any form of Home Rule, would have its full effect, be that what it may, as a consequence of Separation.

(*c*) *Union.*

The difficulties of maintaining the Union are as obvious as those involved in the other two courses. It involves at the outset a strenuous and much-to-be-regretted conflict with the will of the majority of the Irish people; it requires at once the strict enforcement of law, and the resolute effort to strip law of all injustice; it may require large pecuniary sacrifices; and it certainly will require a constancy in just purpose which is supposed, and not without reason, to be specially difficult to a democracy. On the other hand, these difficulties are not unprecedented, though some of them have assumed a new form. We have some advantages unknown to our forefathers. We can, more easily than they could, remodel the practices of the Constitution, the rules of party government, and

the procedure of the House of Commons. The English democracy, further, just because it is a democracy, may, like the democracy of America, enforce with unflinching firmness laws which, representing the deliberate will of the people, are supported by the vast majority of the citizens of the United Kingdom. The English democracy, because it is a democracy, may also with a good conscience destroy the remnants of feudal institutions and all systems of land tenure found unsuitable to the wants of the Irish people.

Whatever be the difficulties (and they are many) of maintaining the Union not in form only but in reality, the policy is favoured no less by the current of English history than by the tendencies of modern civilisation. It preserves that unity of the State which is essential to the authority of England and to the maintenance of the Empire; it provides, as matters now stand, the only means of giving legal protection to a large body of loyal British subjects; it is the refusal not only to abdicate power, but (what is of far more consequence) to renounce the fulfilment of imperative duties. Nor does union imply uniformity. Unity of government—equality of rights—diversity of institutions; these are the watchwords for all Unionists. To obtain these objects may be beyond our power, and the limit to power is the limit to responsibility; still, whatever may be the difficulties or even the disadvantages of maintaining the Union, it undoubtedly has in its favour not only all the recommendations which must belong to a policy of rational Conservatism, but also these two decisive advantages—that it does sustain the strength of the United Kingdom, and that it does not call for any dereliction of duty.

59. Duty requires Maintenance of Union.

If, then, our comparison of the three courses open to us has been just, the conclusion is obvious. It is at this moment the duty even more than the interest of England to maintain the Union. If the time should come when the effort to maintain the unity of the State proves too great for the power of Great Britain, or the necessary means should be clearly repugnant to justice, to humanity, or to our democratic principles—if it should turn out that after every effort to enforce just laws by just methods, our justice itself (from whatever cause) remains hateful to the mass of the Irish people—then it will be clear that the Union must, for the sake of England no less than of Ireland, come to an end.

60. In Case of Failure the Alternative is Separation.

The alternative policy would in that case be, not Home Rule, but Separation. By that means we should save the unity at the expense of lessening the territory of the State. We should escape self-reproach, because having reached the limit of our powers we should also have filled up the measure of our obligations. But if the undoubted ills of Ireland be curable by the justice of the Parliament of the United Kingdom—an assembly, be it noted, in which the voice of Ireland is freely heard—then there is no need to indulge in speculations always dangerous, upon a possible remedy which may never be necessary, and which, while the inhabitants of England and Ireland are still fellow-citizens of one State, it is painful even to contemplate.

61. England's Sound Policy.

On the whole, then, it appears that whatever dangers or calamities the future may have in store, the maintenance of the Union is at this day the one sound policy for England to pursue. It is sound because it is expedient; it is sound because it is just.

62. Grounds on which our Case rests.

This is the case of England against Home Rule; it is a case which, however feebly stated—and I may well have failed to state it with force—is founded on argument. It is a case which makes, and need make, no appeal to rhetoric; it is a case which, indeed, like all sound views of national policy, is grounded on the interest of the greater number of the citizens of the State; but is a case not grounded on any mere pride of power, a case not based on any disregard of justice, a case which above all involves no unfriendliness to Irishmen, and no assumption, either tacit or express, that there has fallen to Irishmen a greater amount of either original or acquired sin than falls to other human beings; it is a case which does not assume that real or supposed differences of race are a legitimate ground for inequality of rights.

63. Principles to which we Appeal.

At this great crisis in the fortunes of our country, when every course is involved in undeniable perplexity, and surrounded by admitted danger, there are two principles to which we may con-

fidently appeal; for it is by habitual adherence to them that England has grown to greatness. These two principles are the maintenance of the supremacy of the whole State, and the use of that supremacy for the purpose of securing to every citizen, whether rich or poor, the rights of liberty and of property conferred upon him by law. To maintain that any policy, however plausible, by which these principles are violated, must undermine the moral basis of the Constitution, and must therefore lead the nation to calamity and to disgrace, is, at any rate, to plead a cause which rests upon a firm foundation of plain morality. The case may be ill-stated, the arguments by which it is defended may admit of reply, but it is a case which a just man may put forward without shame, and a humane man may support without compunction.*

* 'England's Case,' pp. 278–290.

LONDON: PRINTED BY WILLIAM CLOWES AND SONS, LIMITED, STAMFORD STREET AND CHARING CROSS.

WHY ENGLAND MAINTAINS THE UNION.

A POPULAR RENDERING OF
"ENGLAND'S CASE AGAINST HOME RULE."

BY A. V. DICEY,
VINERIAN PROFESSOR OF ENGLISH LAW IN THE UNIVERSITY OF OXFORD.

PREPARED BY C. E. S.

LONDON:
JOHN MURRAY, ALBEMARLE STREET.
1887.

PRICE ONE SHILLING.

All Rights reserved.

MR. MURRAY'S LIST.

A HANDBOOK TO POLITICAL QUESTIONS, WITH THE ARGUMENTS ON EITHER SIDE. By SYDNEY BUXTON, M.P. Sixth Edition. 8vo. 7s. 6d.

New Subjects in this Edition: ALLOTMENTS EXTENSION—INCIDENCE OF TAXATION—FREE SCHOOLS (re-written)—IRISH CHURCH DISESTABLISHMENT RESULTS.

FINANCE AND POLITICS SINCE THE CRIMEAN WAR, WITH A SKETCH FROM 1815. By SYDNEY BUXTON, M.P., Author of "The Handbook to Political Questions." 8vo. *(In preparation.*

INDUSTRIAL IRELAND. Suggestions for a Practical POLICY OF "IRELAND FOR THE IRISH." By ROBERT DENNIS. Crown 8vo. 6s.

CONTENTS.—Depression and its Causes—Corn and other Food Crops—Live and Dead Meat—The Butter Trade—The Fisheries—Plants used in Manufactures—Mines and Quarries—Timber and Peat—Textile and Leather Trades—Pottery, Glass, Metal Working, &c.—Paper and Flour Mills—A Group of Minor Trades—Cottage Industries—Land Improvement—Motive Power and Machinery—The Irish Railways—The Financial System, &c.

THE COUNTRY BANKER: His Clients, Cares, and Work. From the Experience of Forty Years. By GEORGE RAE, Author of "Bullion's Letters to a Bank Manager." New and Revised Edition. Crown 8vo. 7s. 6d.

"We have seldom taken up a book on the business of banking which is at once so interesting and so full of shrewd common sense as this of Mr. Rae's."—*Economist.*

THE WISDOM OF EDMUND BURKE: being Selections FROM HIS SPEECHES AND WRITINGS, CHIEFLY BEARING UPON POLITICAL QUESTIONS. By EDWARD ALLOWAY PANKHURST. Crown 8vo. 6s.

POPULAR GOVERNMENT: Four Essays. I. Prospects OF POPULAR GOVERNMENT. II. NATURE OF DEMOCRACY. III. AGE OF PROGRESS. IV. CONSTITUTION OF THE UNITED STATES. By Sir HENRY MAINE, K.C.S.I., Master of Trinity Hall, Cambridge. Third Edition. 8vo. 12s.

"No more important contribution to the philosophy of politics has been made for a long time than this republication of the four brilliant essays on 'Popular Government,' contributed to the *Quarterly Review* by the distinguished author of 'Ancient Law.'"—*Times.*

PROPERTY AND PROGRESS: or, Facts against Fallacies. A Reprint of Three Articles from the *Quarterly Review*, containing a brief enquiry into Contemporary Social Agitation in England. By W. H. MALLOCK. Post 8vo. 6s.

DAVID RICARDO'S WORKS. With a Notice of his Life AND WRITINGS. By J. R. M'CULLOCH. 8vo. 16s.

HISTORY OF BRITISH COMMERCE; and Economic Progress of the Nation, from 1763 to 1878. By Professor LEONE LEVI. 8vo. 18s.

THE WAGES AND EARNINGS OF THE WORKING CLASSES in 1883–4. By Professor LEONE LEVI. 8vo. 3s. 6d.

THE CONSTITUTIONAL HISTORY OF ENGLAND, from the Accession of Henry the Seventh to the Death of George the Second. By HENRY HALLAM. Library Edition, 3 vols., 8vo. 30s. Cabinet Edition, 3 vols., Post 8vo. 12s. Student's Edition, Post 8vo. 7s. 6d.

JOHN MURRAY, ALBEMARLE STREET.

Mr. MURRAY'S LIST of NEW WORKS.

Dean Hook's Church Dictionary: A Manual of Reference for Clergymen and Students. A New Edition, thoroughly revised, and in great part re-written. Edited by WALTER HOOK, M.A., and W. R. W. STEPHENS, M.A. Medium 8vo. 21s.

Letters from a Mourning City. Naples during the Autumn of 1884. By AXEL MUNTHE. Translated by MAUD VALERIE WHITE. With a Frontispiece. Crown 8vo.

Lord Beaconsfield's Letters, 1830-1852. A New Edition of "Home Letters" and "Correspondence with His Sister," with Additional Letters and Notes. With Portrait. Crown 8vo. 2s.

The Cruise of the Marchesa to Kamschatka AND NEW GUINEA. With Notices of Formosa, and Liu-Kiu, and various Islands of the Malay Archipelago. By F. H. H. GUILLEMARD, M.D. With Maps and 150 Illustrations. 2 vols., 8vo. 42s.

Kugler's Handbook of Painting. The Italian Schools. Originally Edited by the late Sir CHARLES L. EASTLAKE, R.A. A New Edition, revised, enlarged, and in great part re-written, so as to incorporate the results of all the most recent discoveries. By Sir A. HENRY LAYARD, G.C.B. With nearly 200 Illustrations. 2 vols., crown 8vo. 30s.

Some Verdicts of History Reviewed. By WILLIAM STEBBING, late Fellow of Worcester College, Oxford. 8vo. 12s.

CONTENTS.—I. Patriot or Adventurer, Anthony Ashley Cooper.—II. Two Poet Politicians, Abraham Cowley and Matthew Prior.—III. Two Leaders of Society and of Opposition, Henry St. John and William Pulteney.—IV. A Plea for the Eighteenth Century.—V. An American Revolutionist and an English Radical, Benjamin Franklin and William Cobbett.—VI. Puritan and Cavalier England Transplanted. New England and Virginia.

The Hayward Letters. Being a Selection from the Correspondence of the late A. Hayward, Q.C. 1834-1884. With an account of his Early Life. Edited by HENRY E. CARLISLE. 2 vols., crown 8vo. 24s.

Selections from the Papers of the Twining FAMILY. Being a Sequel to the "Recreations of a Country Clergyman of the Eighteenth Century." Edited by RICHARD TWINING. Crown 8vo. 9s.

The Rise of the British Power in the East. By the late Hon. MOUNTSTUART ELPHINSTONE. Being a Continuation of his History of India in the Hindoo and Mahommedan Periods. Edited by Sir EDWARD COLEBROOKE, Bart. With Maps. 8vo. 16s.

The Great Silver River: Notes of a Few Months' Residence in Buenos Ayres. By Sir HORACE RUMBOLD, Bart., K.C.M.G., British Minister at Athens. With Illustrations. 8vo.

P. T. O.

MR. MURRAY'S LIST.

A HANDBOOK TO POLITICAL QUESTIONS, WITH THE ARGUMENTS ON EITHER SIDE. By SYDNEY BUXTON, M.P. Sixth Edition. 8vo. 7s. 6d.

New Subjects in this Edition: ALLOTMENTS EXTENSION—INCIDENCE OF TAXATION—FREE SCHOOLS (re-written)—IRISH CHURCH DISESTABLISHMENT RESULTS.

FINANCE AND POLITICS SINCE THE CRIMEAN WAR, WITH A SKETCH FROM 1815. By SYDNEY BUXTON, M.P., Author of "The Handbook to Political Questions." 8vo. *In preparation.*

INDUSTRIAL IRELAND. Suggestions for a Practical POLICY OF "IRELAND FOR THE IRISH." By ROBERT DENNIS. Crown 8vo. 6s.

CONTENTS.—Depression and its Causes—Corn and other Food Crops—Live and Dead Meat—The Butter Trade—The Fisheries—Plants used in Manufactures—Mines and Quarries—Timber and Peat—Textile and Leather Trades—Pottery, Glass, Metal Working, &c.—Paper and Flour Mills—A Group of Minor Trades—Cottage Industries—Land Improvement—Motive Power and Machinery—The Irish Railways—The Financial System, &c.

THE COUNTRY BANKER: His Clients, Cares, and Work. From the Experience of Forty Years. By GEORGE RAE, Author of "Bullion's Letters to a Bank Manager." New and Revised Edition. Crown 8vo. 7s. 6d.

"We have seldom taken up a book on the business of banking which is at once so interesting and so full of shrewd common sense as this of Mr. Rae's."—*Economist.*

THE WISDOM OF EDMUND BURKE: being Selections FROM HIS SPEECHES AND WRITINGS, CHIEFLY BEARING UPON POLITICAL QUESTIONS. By EDWARD ALLOWAY PANKHURST. Crown 8vo. 6s.

POPULAR GOVERNMENT: Four Essays. I. Prospects OF POPULAR GOVERNMENT. II. NATURE OF DEMOCRACY. III. AGE OF PROGRESS. IV. CONSTITUTION OF THE UNITED STATES. By Sir HENRY MAINE, K.C.S.I., Master of Trinity Hall, Cambridge. Third Edition. 8vo. 12s.

"No more important contribution to the philosophy of politics has been made for a long time than this republication of the four brilliant essays on 'Popular Government,' contributed to the *Quarterly Review* by the distinguished author of 'Ancient Law.'"—*Times.*

PROPERTY AND PROGRESS: or, Facts against Fallacies. A Reprint of Three Articles from the *Quarterly Review*, containing a brief enquiry into Contemporary Social Agitation in England. By W. H. MALLOCK. Post 8vo. 6s.

DAVID RICARDO'S WORKS. With a Notice of his Life AND WRITINGS. By J. R. M'CULLOCH. 8vo. 16s.

HISTORY OF BRITISH COMMERCE; and Economic Progress of the Nation, from 1763 to 1878. By Professor LEONE LEVI. 8vo. 18s.

THE WAGES AND EARNINGS OF THE WORKING CLASSES in 1883–4. By Professor LEONE LEVI. 8vo. 3s. 6d.

THE CONSTITUTIONAL HISTORY OF ENGLAND, from the Accession of Henry the Seventh to the Death of George the Second. By HENRY HALLAM. Library Edition, 3 vols., 8vo. 36s. Cabinet Edition, 3 vols., Post 8vo. 12s. Student's Edition, Post 8vo. 7s. 6d.

JOHN MURRAY, ALBEMARLE STREET.

Mr. MURRAY'S LIST of NEW WORKS.

Dean Hook's Church Dictionary: A Manual of Reference for Clergymen and Students. A New Edition, thoroughly revised, and in great part re-written. Edited by WALTER HOOK, M.A., and W. R. W. STEPHENS, M.A. Medium 8vo. 21s.

Letters from a Mourning City. Naples during the Autumn of 1884. By AXEL MUNTHE. Translated by MAUD VALÉRIE WHITE. With a Frontispiece. Crown 8vo.

Lord Beaconsfield's Letters, 1830-1852. A New Edition of "Home Letters" and "Correspondence with His Sister," with Additional Letters and Notes. With Portrait. Crown 8vo. 2s.

The Cruise of the Marchesa to Kamschatka AND NEW GUINEA. With Notices of Formosa, and Liu-Kiu, and various Islands of the Malay Archipelago. By F. H. H. GUILLEMARD, M.D. With Maps and 150 Illustrations. 2 vols., 8vo. 42s.

Kugler's Handbook of Painting. The Italian Schools. Originally Edited by the late Sir CHARLES L. EASTLAKE, R.A. A New Edition, revised, enlarged, and in great part re-written, so as to incorporate the results of all the most recent discoveries. By Sir A. HENRY LAYARD, G.C.B. With nearly 200 Illustrations. 2 vols., crown 8vo. 30s.

Some Verdicts of History Reviewed. By WILLIAM STEBBING, late Fellow of Worcester College, Oxford. 8vo. 12s.

CONTENTS.—I. Patriot or Adventurer, Anthony Ashley Cooper.—II. Two Poet Politicians, Abraham Cowley and Matthew Prior.—III. Two Leaders of Society and of Opposition, Henry St. John and William Pulteney.—IV. A Plea for the Eighteenth Century.—V. An American Revolutionist and an English Radical, Benjamin Franklin and William Cobbett.—VI. Puritan and Cavalier England Transplanted. New England and Virginia.

The Hayward Letters. Being a Selection from the Correspondence of the late A. Hayward, Q.C. 1834-1884. With an account of his Early Life. Edited by HENRY E. CARLISLE. 2 vols., crown 8vo. 24s.

Selections from the Papers of the Twining FAMILY. Being a Sequel to the "Recreations of a Country Clergyman of the Eighteenth Century." Edited by RICHARD TWINING. Crown 8vo. 9s.

The Rise of the British Power in the East. By the late Hon. MOUNTSTUART ELPHINSTONE. Being a Continuation of his History of India in the Hindoo and Mahommedan Periods. Edited by Sir EDWARD COLEBROOKE, Bart. With Maps. 8vo. 16s.

The Great Silver River: Notes of a Few Months' Residence in Buenos Ayres. By Sir HORACE RUMBOLD, Bart., K.C.M.G., British Minister at Athens. With Illustrations. 8vo.